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STRATEGIES FOR CONFRONTING DOMESTIC VIOLENCE: A RESOURCE MANUAL

The cover illustration is the work of a German artist, Tonie Meilhamer, who lives in Munich.

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This *Manual* is based upon a draft prepared by the Canadian Department of Justice in cooperation with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and with the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations (HEUNI) and with support from the Canadian Department of Health and Welfare. The draft was reviewed at an expert group meeting hosted by the International Centre for Criminal Law Reform and Criminal Justice Policy. Publication of the *Manual* was generously funded by HEUNI.

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Preface

Governments can no longer ignore the problem of domestic violence: international pressure to do something about the urgent situation calls for an immediate response.

Recently, the United Nations agreed to prepare a policy document on domestic violence. The document was to cover all aspects of violence directed against women, children, the elderly and the disabled which takes place within their homes.

This *Manual* is the first step. It focuses on the violence committed by husbands and male partners against their wives and female partners. It identifies many different strategies that Governments, police, social service agencies, health workers, community organizations and women's groups around the world are using to confront the violence that women suffer at home.

The purpose of this *Manual* is to give everyone with a responsibility for, or an interest in, ending the violence that women experience in their own homes ideas on actions that they can take and strategies that they can promote to solve the problem.

Violence against women in their own homes is a serious human rights violation.

To stop this violence, many different government and social agencies and people from many different organizations will have to work together. Of all the strategies discussed in this *Manual*, working effectively together is the most important one of all.

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Introduction

A. Domestic violence: A worldwide concern

The vision that all people - women, children and men - are entitled to at least a minimum respect for their human dignity and rights emerged out of the slaughter and genocide of the Second World War and, since that time, the United Nations has worked to define and refine the rights of all human beings.

The International Bill of Human Rights - comprising the Universal Declaration of Human Rights (General Assembly resolution 217 A (III), annex) and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI), annex) enumerate basic human rights and thus establish general rights for victims of domestic violence. General protection of this nature is also provided by such instruments as the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex), the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and the Declaration of Basic Principles of Justice For Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex).

Recent work within the United Nations indicates that these general rights are now being applied to create a specific right to a violence-free family life. The Commission on the Status of Women, at its thirty-fifth session, in 1991, recommended that the Economic and Social Council adopt a resolution on violence against women in all its forms. The Council, in turn, recommended that an expert group meeting with the brief to develop a framework for an international instrument on violence against women should be held by the Division for the Advancement of Women (see Council resolution 1991/18). This framework, formulated in November 1991, was submitted to the Committee on the Elimination of Discrimination against Women* at its eleventh session, in 1992, and to the Commission on the Status of Women at its thirty-sixth session, also in 1992. The Committee, concerned that the problem of violence against women generally and in the home in particular had not been taken seriously by States parties to the Convention on the Elimination of All Forms of Discrimination against Women, drafted a comprehensive recommendation[1] on measures that States parties must take to confront violence against women in all its manifestations. The Commission on the Status of Women established an intersessional working group on violence against women, which met in late August 1992 to prepare a draft declaration on the elimination of violence against women. In the draft Declaration, which recognizes the urgent need for the universal application to women of the rights and principles of equality, security, liberty, integrity and dignity guaranteed in the International Bill of Human Rights, various measures are enumerated that States should introduce to eliminate all forms of violence against women, especially that within the home. The text of the draft Declaration (E/CN.6/1993/12, annex) was subsequently submitted to the Commission at its thirty-seventh session.

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*The Committee was established to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. In its review of reports, the Committee has consistently investigated strategies the States parties to the Convention are using to tackle the issue of domestic violence. In 1989, it issued recommendation 12, in which it is suggested that information on these strategies be included in all future reports. It included domestic violence as a theme for its eleventh session.

The United Nations is not the only agency concerned with the issue of domestic violence. Several intergovernmental bodies have been very concerned about the issue, including the Council of Europe,[2] the Commonwealth Secretariat,* the Organization of American States (OAS),** the European Forum on Urban Security*** and the 85th Inter-Parliamentary Conference held at Pyongyang in 1991.[3]

Much important work has been done on the subject by national and international non-governmental organizations. These organizations work at various levels, acting as advocates, doing research and collaborating with other agencies to provide services.

B. How this *Manual* came about

Domestic violence has been an issue of concern to the United Nations for some time, for example in the deliberations and decisions of United Nations congresses on the prevention of crimes and the treatment of offenders, at the World Assembly on Ageing, in the World Programme of Action concerning Disabled Persons[4] and at the deliberations leading to the adoption of the Convention on the Rights of the Child.

The issue was also raised at the World Conference of the United Nations Decade for Women: Equality, Development and Peace, held at Copenhagen in 1980, and at the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985. But it is since 1985 that the United Nations has really focused on the issue.

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*The first Meeting of Commonwealth Ministers Responsible for Women's Affairs was held in 1985, before the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace. That Meeting called for Commonwealth action on abuse. Since that time, the Commonwealth Secretariat has been producing manuals and other training materials related to domestic violence.

**For example, at the XXV Assembly of Delegates of the OAS Inter-American Commission of Women, held at Washington, D.C., from 15 to 19 October, 1990, and at the OAS Consultation on Women and Violence, held at Washington, D.C. in July 1990; see also the report of the Meeting of Experts to Consider the Viability of an Inter-American Convention on Violence against Women (OEA/Ser.L/II.7.4, CIM/doc. 1/91 of 27 September 1991).

***At the European and North American Conference on Urban Safety and Crime Prevention, held at Montreal from 10 to 13 October 1989; see *Final Declaration, 1989* (reproduced in A/CONF.144/NGO/8).

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted a resolution on domestic violence that was endorsed by the General Assembly in 1985, in its resolution 40/36, the Assembly's first specific resolution on domestic violence in the resolution, the Assembly called for research to be conducted from a criminological perspective on the development of strategies to deal with the problem. It requested that Member States implement specific measures and that the Secretary-General report on the question of domestic violence to the Eighth Congress on the Prevention of Crime and the Treatment of Offenders. That Congress was invited to give the issue its particular attention.

The Economic and Social Council, in its resolution 1986/10, section IV, called for the convening of a round-table meeting on domestic violence to promote research and formulate strategies. The Expert Group Meeting on Violence in the Family, with Special Emphasis on its Effects on Women, was held, accordingly, at Vienna in December 1986.

The Economic and Social Council, in its resolution 1988/27, then requested that the recommendations of the Expert Group be brought to the attention of the Committee on Crime Prevention and Control at its tenth session and that adequate documentation on the issue be prepared for the Eighth Congress. Subsequently, in its resolution 1989/67, it requested the Secretary-General to look at the problem from a criminal justice perspective, taking into account the recommendations of the Expert Group. Special attention was to be given to the role of crisis protection and intervention and to social and other service delivery systems. The Council also called on the Secretary-General to prepare a report to be considered by the Eighth Congress to be held at Havana in 1990. In the report (A/CONF.144/17) submitted pursuant to this request, criminal justice policy options were set out and other measures suggested to prevent the occurrence of domestic violence and mitigate its effects.[5]

In 1990, on the recommendation of the Eighth Congress, the General Assembly adopted resolution 45/114, in which it urged Member States to develop and implement policies, measures and strategies, within and outside the criminal justice system, to respond to the problem of domestic violence. The policies were to include appropriate preventive measures as well as fair treatment and effective assistance for victims of domestic violence. The emphasis was on promoting an effective exchange of information. The issue was to be included in preparations for and during the observance of the Year of the Family in 1994.

In the same resolution, the Assembly requested the Secretary-General to convene a working group of experts to formulate guidelines or produce a manual for practitioners on the subject of domestic violence, which would take into account the conclusions of the report of the Secretary-General on domestic violence (A/CONF.144/17). The present *Manual* was prepared in pursuit of this request.

The Canadian Department of Justice supervised the production of the *Manual* with the assistance of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, and with the cooperation of the Crime Prevention and Criminal

Justice Branch of the Secretariat of the United Nations.[*] A draft of the *Manual* was reviewed by a panel of experts at the Seventh International Symposium on Victimology, held at Rio de Janeiro in August 1991, and at the Expert Meeting on Domestic Violence, held at Vancouver at the International Centre for Criminal Law Reform and Criminal Justice Policy from 22 to 25 March 1992.

C. Focus of the *Manual*

The focus of this *Manual* is on violence against women in their homes. Women and men, girls and boys may all be victims of domestic violence. Around the world, young girls and young boys are sexually assaulted by members of their families. There is growing evidence that elderly family members are abused by their grown children and by the people who take care of them. Sick and disabled family members are abused by their family and care-givers. In polygamous households, wives sometimes assault co-wives. In extended families, female members are at risk of attack from both male and female family members. Female and male domestic servants may be assaulted by their employers.

Violence may be found in any home, anywhere. Victims of domestic violence can be female or male, young or old, rich or poor, socially privileged or not, politically influential or without political power.

One publication alone cannot cover all these issues. The present *Manual* has limited its scope to the violence perpetrated by husbands and male partners[**] against their wives and female partners[***] in their own homes.[****] By limiting its focus in this way, it is hoped that the *Manual* will be more useful. Throughout the *Manual* the words "victim" and "perpetrator" are understood to mean the female and male partner respectively. However, this does not mean that other family members are not victims of domestic violence, nor that their concerns should not be dealt with in the future.

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[*] An international network of experts in the field of domestic violence contributed to the *Manual*. The National Clearinghouse on Family Violence of Canada and the National Criminal Justice Research Service of the United States of America provided research materials and information, as did many other agencies and individuals from around the world.

[**] There is some controversy about the extent to which husbands are victims of violence in their own homes. Most writers in the area of domestic violence have found that although some women may be violent towards their husbands, the violence is not as common as violence against wives: Women are usually acting in self defence. Their violence is rarely repeated and does not cause injury. Also, in households where the husband has been attacked, he does not live in a state of fear. See E. Pleck and others, "The battered data syndrome: a comment on Steinmetz's article", *Victimology*, No. 2, 1978, p.680; and M. D. Fields and R. M. Kirchner, "Battered women are still in need: a reply to Steinmetz", *Victimology*, No. 3, 1978, p. 216.

[***] In many societies, men and women live together without being married. The violence experienced by unmarried women in these relationships is identical to that experienced by married women. The words "wives" and "husbands" are used herein, but these words include women and men who are in a relationship but are not married.

[****] Partners in same-sex couples may also be the victims of domestic violence. This *Manual* does not deal specifically with this type of relationship but many of the strategies discussed apply to same-sex couples as well.

It is hoped that many of the strategies presented here can be used later against other types of domestic violence. This *Manual* is a starting point.

Every country's strategy to confront domestic violence will be different. The present *Manual* sets forth a range of options and strategies that are being used to tackle domestic violence in different parts of the world. Information is presented on action by the police, by prosecutors, by health service workers, by social service workers, by women's groups and by government agencies to respond to the problem of domestic violence. Its purpose is to share this knowledge so that it can be used to put an end to the violence that women experience in their own homes.

Users should, however, be aware that strategies that are successful in combating domestic violence in one national or cultural context may not necessarily be suitable in other contexts. Although the principles behind a strategy may be universal, its effectiveness depends on specific country or cultural realities.[6]

Cooperation is the key to success. A large part of the *Manual* discusses the criminal justice approaches that some countries are using to combat domestic violence. In the short term, a criminal justice approach can protect a victim of domestic violence by taking her husband (or male partner) into police custody. In the long term, some research shows that when a man who abuses his wife (or female partner) is charged with a crime, he is less likely to commit the crime again.

A criminal justice approach can only be successful, however, if it is integrated into other strategies. The criminal justice system must work with health, education, social and community services. And, the public has to support strategies for dealing with domestic violence.

The most important lesson that people who have been working on the problem of domestic violence have learned is that domestic violence can only be controlled if the various agencies and individuals who work on the problem cooperate to find solutions.

I. Understanding the problem

A. Nature and extent of domestic violence

The term "domestic violence" is used to describe actions and omissions that occur in varying relationships. The term is used narrowly to cover incidents of physical attack, when it may take the form of physical and sexual violations, such as pushing, pinching, spitting, kicking, hitting, punching, choking, burning, clubbing, stabbing, throwing boiling water or acid and setting on fire. The result of such physical violence can range from bruising to killing; what may often start out as apparently minor attacks can escalate both in intensity and frequency.

Some people use the term "domestic violence" to include psychological or mental violence, which can consist of repeated verbal abuse, harassment; confinement and deprivation of physical, financial and personal resources. Contact with family members and friends may be controlled. The forms of violation may vary from one society and culture to another.

Other people use the term to describe violence against women in the family only, and for others it is a general label to cover any violation where the victim and perpetrator have some form of personal relationship or where they have had such a relationship in the past. Used in this wider sense, domestic violence encompasses child abuse, be it physical, psychological or sexual, violence between siblings, abuse or neglect of the elderly and abuse by children of parents. In this *Manual*, however, the term "domestic violence" means physical or mental assault of women by their male partners. In many countries the term "wife assault" is used for this type of behaviour.

Domestic violence is a hidden problem. Research on domestic violence is fairly new, and has been undertaken perhaps only in the last 25 years. In the main, it has originated in Western Europe, North America, Australia and New Zealand. Most studies have concerned the dominant culture, although a growing number focus on native populations, and immigrant and refugee groups. A growing number of studies are now being undertaken in the developing world. For example, comprehensive and systematic studies of domestic violence (defined in this case to include violence against women and men in the home) have been undertaken in Papua New Guinea.* In addition, a recent collection of essays published by the United Nations Development Fund for

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*See, for example, the following reports, published by the Papua New Guinea Law Reform Commission, Boroko: *Domestic Violence in Papua New Guinea*, S. Toft, ed., Monograph No. 3, 1985; *Domestic Violence in Rural Papua New Guinea*, S. Toft and S. Bonnell, eds., Occasional Paper No. 18, 1985; *Domestic Violence in Urban Papua New Guinea*, S. Toft, ed., Occasional Paper No. 19, 1986; *Interim Report on Domestic Violence*; *A Discussion Paper on Domestic Violence*; C. Bradley, *Final Report on Domestic Violence*, Report No. 14, in press.

Women (UNIFEM) summarizes the research into domestic violence that has been undertaken in various regions of the developing world.[7]

While it can be stated that women are the usual victims of violence in the home and men are the usual perpetrators, it remains unclear which particular women and men are likely to be involved. Studies indicate that marital violence occurs in some communities in as many as in one in three marriages.[8] There appears to be no part of the world where it is unknown.

It is difficult to estimate the actual incidence of violence in the household. The problem is largely a hidden one. Communities deny the problem, fearing that an admission of its existence is an assault on the integrity of the family. Few official statistics are kept.

Current methods of estimating the number of women who are assaulted by their husbands are questionable. The statistics are based on reported incidents of abuse obtained, for example, from police, welfare and hospital records on the numbers of women using emergency housing or on self-reports from phone-ins or field surveys.

Statistics gathered from police records and other official sources show that wife-abuse does exist, but they are notorious for underrepresenting the problem. Victims are often reluctant to report that they have been violated: they may fail to report abuse because they feel ashamed of being assaulted by their husbands; they may be afraid; they may have a sense of family loyalty.

When women do report abuse, the statistics may be lost because the official fails to record the incident or records it in a way that is meaningless for research purposes. Criminal statistics, for example, although they could be a major source of comprehensive data on violence against women in the home, frequently fail to indicate the sex of the victim and of the assailant and rarely record the relationship between the two.* In these circumstances, it is impossible to distinguish wife assault from any other assault and thus, for statistical purposes, wife assault becomes invisible.

Self-reporting surveys also present problems. Women who have been abused may prefer to keep the fact to themselves. When they do respond, they may overestimate or, more commonly, underestimate the amount of violence they have suffered. For example, women may consider pushes and slaps to be insignificant and fail to mention them.

"Phone-in" surveys are restricted to women who have access to a telephone and who are willing to reveal intimate information to someone they do not know. Phone-in surveys may also exclude women from ethnic minorities.

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*Lorna Smith, *Domestic Violence*, Home Office Research Study 107 (London, Her Majesty's Stationery Office, 1989) reports that, with the exception of homicide, United Kingdom criminal statistics do not provide information on the sex of the victim, nor is the relationship between the victim and the offender routinely recorded.

Surveys taken of couples currently cohabiting exclude evidence of violence in relationships that have ended. Studies of women who have used emergency housing are restricted to women who have already defined themselves as battered and so do not represent the population as a whole.

Notwithstanding these problems, anecdotal and other evidence, from most parts of the world, makes it clear that violence against women in the home is a serious problem.[9]

> *In Canada, on the basis of statistics obtained from doctors, lawyers and social workers and from police records, it has been estimated that 1 woman in 10 is abused by her partner.*[10]
>
> *Statistics from Papua New Guinea indicate that, as a national average, 67 per cent of all wives have been subjected to marital violence.*[11]
>
> *In 1992, UNIFEM produced a fact sheet on gender violence (1992) summarizing statistical evidence on the incidence of wife-abuse worldwide. This reveals that wife-battering is common in Bangladesh, Barbados, Chile, Colombia, Costa Rica, Guatemala, India, Kenya, Norway and Sri Lanka.*

The actual extent of violence in the home may never be accurately known, but it is clear that such violence is part of the dynamics of many family situations in both the developed and developing world. In short, the research that does exist reveals that women are murdered, physically and sexually assaulted, threatened and humiliated within their own homes by men with whom they should enjoy the greatest trust. Sadly, this is not an uncommon or unusual occurrence.

Domestic violence can happen in families from any class. Given the limitations of existing research, it is difficult to generalize about the social position of victims of domestic violence. Some research shows an overrepresentation of victims who are economically disadvantaged or who might be described as lower class or from younger age groups.* There may be more domestic violence in families that are economically disadvantaged or where the husband has had less education than the wife.

Much of the information that is available, however, is based on studies of people who come to the attention of officials. These people may be less able to protect their private lives from official scrutiny. For instance, women from the middle and upper classes are less likely to use women's emergency housing. In some countries, public hospitals are used primarily by the economically disadvantaged. The wealthy are able to take advantage of private doctors and clinics whose records are not usually open to researchers. Records from social work or welfare files, in general, contain information on less privileged groups who must respond to government inquiries in order to get

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*The studies by the Papua New Guinea Law Reform Commission reveal that domestic violence is more common in the lower and rural classes. See also D. Marsden, "Sociological perspectives on family violence", in *Violence in the Family*, J. Martin, ed. (Chichester, Wiley, 1978).

government assistance. Rich people are more able to insulate themselves from government and police attention.

Anecdotal material and small research samples show that wife-assault crosses all class, culture and colour barriers.[12] This research indicates that violence against wives is prevalent throughout the economic and social structure and appears to have no cultural barriers.

B. Effects of domestic violence

While it may not be possible to have a precise picture of the actual extent of violence against women in their homes, the results of this violence are fairly clear.

In addition to the physical injuries already noted, ranging from bruising to death, abused women suffer from health and psychological problems. They have a significantly higher level of anxiety, depression and somatic complaints than women who have not suffered such abuse.[13] They may often be paralysed by terror and under stress from the ever-present threat of an attack. They are more likely to be depressed, which may lead to higher rates of suicide[14] than those found among women who have not been battered.[15]

The adverse consequences of violence in the family are not confined to the victim of the abuse. The abuser himself may suffer the consequences of his behaviour. Research indicates that women who kill their husbands do so more often than not in response to an immediate attack or threat of attack.*[16]

Domestic violence is also hazardous for family members or others who seek to intervene, who may be hurt or killed by the abusive man. Children in families where the wife is abused run the risk of being injured or killed by the abuser if they become involved in an incident of violence, either by chance or in an attempt to protect their mother.

The effect on children who witness violence is the subject of much discussion. Some studies have established that children from homes where there is violence against the mother suffer significantly more behaviourial problems and lack greater social competence than children from homes where there is no such violence. For example, a Canadian study suggests that observing parental conflict and violence during childhood was "significantly predictive of serious adult personal crimes (e.g. assault, attempted rape, attempted murder, kidnapping and murder)".[17] A high proportion of street children report marital violence in their family home. More systematic research into the real effect of family violence on children is required before categorical statements of sequelae can be made.

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*The killing of abusive husbands by their wives is not confined to developed countries. Research by Ranjana S. Jain, reported in *Family Violence in India* (New Delhi, Advent Books, 1991), reveals that a number of female prisoners in Indian gaols are there because they have murdered husbands who have abused them. This pattern is common in Turkey also.

Beyond the enormous personal costs associated with domestic violence are the social and economic costs of the conduct. Social costs include the stigmatization of the individual family, social isolation and the temporary or chronic economic and psychological dependence of family members on support groups or the welfare system.

The cost to the community in financial terms is significant. Huge sums of money are being spent on police and court services, health and welfare services, women's emergency housing and social security benefits. One Canadian estimate suggests that, in 1980, Canadian taxpayers, through their local governments, paid at least 32 million Canadian dollars for police intervention in wife-battering cases and for related support and administrative services.[18] An Australian study found that the cost of services for 20 victims of domestic violence was well over 1 million Australian dollars.[19]

C. The causes of domestic violence

Although the causes of domestic violence may not be known, the need to take action is clear. There are many theories to explain the existence and extent of domestic violence. Some theories focus on the individuals and look for personal explanations such as the use of alcohol or drugs,[20] the victim's actions, mental illness, stress, frustration, underdevelopment[21] and violent families of origin.[22]

The pervasiveness and implicit acceptability of violence in the family directed at women has led some scholars to question the validity of explanations that are tied to personal and individual characteristics. They suggest a social and structural explanation. Violence in the home has its origins in an entire social context. Wife battery is a reflection of the broad structures of sexual and economic inequality in society. Studies show that rather than representing an aberration, violence in the home is widely accepted and tolerated. It is an extension of the role society expects men to play in their domestic sphere. In this analysis, the abuse of women can be seen as a display of male power, the outcome of social relations in which women are kept in a position of inferiority to men, responsible to them and in need of protection by them. These theories suggest that the social, political and economic dependence of women on men provides a structure wherein men can perpetrate violence against women.[23]

The origins of violence are located in the social structure and the complex set of values, traditions, customs, habits and beliefs which relate to gender inequality. The victim of the violence is most frequently the woman and the perpetrator the man and the structures of society act to confirm this inequality.[24] Violence against women is an outcome of the belief, fostered in most cultures, that men are superior and that the women with whom they live are their possessions to be treated as the men consider appropriate.

Finally, there is no single, simple explanation for violence in the home and a focus on a search for causes can excuse inaction. Whatever the causes, individuals must accept responsibility for their own violent actions and societies must confront domestic violence.

D. Domestic violence and family privacy

The right to a private family life does not include the right to abuse family members. International and regional human rights instruments universally guarantee the right to a private life and to a home. The family is a private place, a source of comfort and nurture for the mutual growth of its members. Again, this value is enshrined in international and regional human rights instruments and acknowledged by the United Nations in, for example, the proclamation of 1994 as the International Year of the Family. While the importance of the family as a societal structure should not be underrated, excessive faith in its nurturing capacities may lead to efforts to sustain the family unit even where members are being victimized by other family members. Thus, the maintenance of the family as an intact unit may, in some cases of domestic violence, allow it to take precedence over the interests of the individual within it. The right to be free from domestic violence or the threat of domestic violence is a fundamental and universal human right.

Finally, any practitioner working in the area of family violence must recognize that a certain level of domestic violence is condoned by most societies. Physical discipline of children is allowed and, indeed, encouraged in many legal systems and a large number of countries allow moderate physical chastisement of a wife or, if they do not do so now, have done so within the last 100 years. Again, most legal systems fail to criminalize circumstances where a wife is forced to have sexual relations with her husband against her will. Allied with this condemnation is denial that domestic violence is a serious issue which may have long-lasting effects on the victim, the perpetrator and other family members. Indeed, in the case of violence against wives, there is a widespread belief that women provoke, can tolerate or even enjoy a certain level of violence from their spouses.

These values, which legitimate a certain amount of family violence, shape the attitudes of the public and practitioners in the context of the problem. They recur as themes when innovative strategies to confront domestic violence are considered and, moreover, combine to a large degree to undermine strategies that have been introduced.

In the main, domestic violence has been seen as a problem requiring legal solutions, but the policies that people involved in law making and the approaches people within the legal system have pursued when grappling with the issue have not been uniform. In all countries where domestic violence has emerged as a serious issue, people involved with the law have been forced to confront a central question, which is what role, if any, the criminal justice system should play in the management of domestic violence.

II. Using the law to respond to domestic violence

A. Domestic violence: The legal solution

Many countries are now treating domestic violence as a problem requiring a legal solution. In the past, most countries acted as if domestic violence did not exist. They were reluctant to do anything about the problem because they did not want to interfere in private family affairs. If the issue came up at all, it was categorized as a family law matter.

As international and national awareness of the serious short-term and long-term effects of domestic violence grew, however, attitudes towards using the law to respond to the situation changed. In countries where domestic violence is seen as a serious problem, there is strong pressure to find legal solutions. Sometimes this means applying existing laws, like those of criminal assault, to domestic violence situations. Sometimes this means changing the law. For instance, some countries have changed the wording of the law on rape to include rape that occurs within a marriage.* Others have laws which make it easier for the State and its agencies to intervene in cases of domestic violence.**

> *In some states of Australia, for example, police powers of entry have been extended to allow police to enter private premises if they have reasonable suspicion that violence has taken place.*[25]

Some countries now treat domestic violence as a crime. This criminalization of domestic violence means applying the criminal law to incidents of domestic violence in order to protect the victim, punish the offender and deter him from using violence against his wife again.

> *Spain and Portugal, for instance, have created special legal provisions which apply specifically to violence within the family.*[26]

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*In 1983, Canada passed a law that made it a crime for a husband or a wife to sexually assault his or her spouse. Before the change, a man could not be charged with rape if his wife was the victim. Marital rape was made a crime under amendments to the Canadian *Criminal Code* brought into effect in 1983. Marital rape was a crime in Poland under article 204 of the Penal Code of 1932 and article 168 of the Penal Code of 1969. It remains a crime in the draft Penal Code of 1992.

**In Puerto Rico, a law has been passed on the prevention of and intervention in cases of domestic violence (Law 54, of 15 August 1989).

In Poland, under article 184 of the Penal Code of 1969, domestic violence is a crime and the punishment includes paying damages, and the draft Penal Code of 1992 has a similar provision.

Also, in many European countries, the legal framework for prosecuting physical or sexual violence has been, or is currently being, reviewed in order to clarify legal definitions of violence, the responsibilities of perpetrators and the interests of victims.[27]

Some countries have criminalized specific forms of domestic violence:

Bangladesh and India have defined demanding dowry and inflicting violence to collect dowry as criminal acts.[28]

B. Arguments for and against the criminalization of domestic violence

Some people feel that criminal law is an inappropriate response to domestic violence. They prefer conciliation and mediation strategies and they promote a welfare and therapeutic model which tries to avoid the law-enforcement system with its structured arrest, prosecution and sentencing process. They argue that, if criminal law is used at all, it should only be as a last resort, for serious cases.

Others support an approach built on the protective role of the law. They want the law to be used to protect the victim of domestic violence. They favour strategies which make it easier for a victim to use the law to protect herself and to have the law enforced effectively.

Criminalization finds support among people who believe that assault is a crime no matter who the victim is. The fact that the violence takes place within a marriage is irrelevant. They feel that domestic violence should be taken as seriously as other crimes of violence, more so if one considers the short- and long-term social effects and that there has been a breach of trust.

There are strong arguments against the criminalization of domestic violence. For example:

(a) The criminal law focuses on punishment, not on rehabilitation;

(b) The criminal law looks to past conduct and is rarely concerned with future behaviour;

(c) In many countries, the victim's needs are ignored during the criminal proceedings;

(d) Criminal justice systems rarely provide support and treatment programmes that could, for example, provide support for the wife and teach the husband not to use violence against her any more;

(e) Criminal justice practitioners - the police, prosecutors and judges* - control the effectiveness of the law. In the past, many of them have failed to perceive domestic violence as a serious, let alone criminal, issue and have been reluctant to intervene and arrest, prosecute and convict perpetrators;

(f) When the police, prosecutors and judges do respond, a criminal conviction does not necessarily follow; there may be insufficient evidence to meet the legal criteria for finding the accused guilty;

(g) In cases where a husband is arrested, prosecuted, convicted and sentenced, the punishment may be trivial;

(h) A criminal record and certain punishments may penalize not only the perpetrator but also the victim and her family;

(i) Whether the criminal process leads to acquittal or conviction, the abuse may well be repeated, and there is no guarantee of the victim's safety;

(j) If the perpetrator is given a prison sentence, the victim may enjoy temporary relief, but the perpetrator may behave even more violently when he is released from prison;

(k) Making domestic violence a crime may cause serious harm to the victim. For instance, in traditional societies and minority populations, which prefer the mediation approach, criminalization may lead to a victim's isolation from her extended family and her community. The perpetrator's family may even take revenge on her;[29]

(l) Some research suggests that therapy and mediation are very successful means of reducing recidivism in cases of domestic violence.[30]

Conversely, those who believe that the best way to stop domestic violence is to make it a criminal offence argue as follows:

(a) The process of arrest, prosecution, conviction and punishment carries the clear message that society condemns the conduct of the perpetrator. He is personally responsible for his actions;

(b) The criminal process indicates that a crime between household members is as much a crime as crime in the street, between strangers;

(c) The criminal process acknowledges that the victim is entitled to the State's protection. Her needs are placed first, before the need to preserve the relationship with the perpetrator or to maintain the family unit;

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*In the present *Manual*, the word "judge" is used to refer to all adjudicators, at all court levels. It includes magistrates, justices and justices of the peace.

(d) The law has an important symbolic and educative role. It can shape and change attitudes. There is extraordinary symbolic force in "naming" domestic violence and calling it a crime because, in the past, this violence has been trivialized or denied. Eradicating violence in the home depends on the shared understanding that it is not acceptable and will not be tolerated;

(e) Arrest, prosecution and sentencing may serve as direct deterrents for individual perpetrators. Some research suggests that the involvement of the police as enforcers of the law, followed by prosecution and conviction, is not only the most effective mechanism for stopping acts of violence in the short term but also has a profound effect on the perpetrator's future behaviour. These studies show that arrest, with its associated intimidating procedures, both at the scene of the attack and at the police station, can reduce the risk of recidivism in the abuser. In effect, thus, these studies suggest that a policy of mandatory prosecution has a positive effect in the management of domestic violence;[31]

(f) Mediation is not a good strategy because it downplays the violence. It seeks to re-establish the relationship between the victim and the perpetrator and to preserve the family. Mediation removes responsibility for the violence from the perpetrator by creating a context in which the victim is perceived as sharing, although to a lesser extent, responsibility for the violence directed towards her;

(g) The protective approach fails to condemn the violence and does not carry the social message that violence in the home is not acceptable. The emphasis on protective procedures, like contempt of court, ignore the roots of the problem.

C. Policy approaches

Special policies are necessary because domestic violence is a crime that takes place within the family, between people who are emotionally and financially involved with each other.

Two policy approaches are crucial to the success of the criminalization strategy. First, policies must reflect the singular nature of domestic crime and must provide support for the victim and help for the abuser; and secondly, policies must take into account the cultural, economic and political realities in the country concerned.

A criminalization strategy, for example the issuing of instructions to the police to arrest the husband if a case of domestic violence comes to their attention, cannot be developed in a vacuum. There must be complementary changes in related policies. The police must be sensitive to domestic violence issues. For instance, the effectiveness of an arrest (and the safety of the victim) may depend on keeping the perpetrator in gaol overnight rather than releasing him after only a short time at the police station. Police have an important role to play in carrying the message that domestic violence is wrong and will not be tolerated.

The wife-abuse management strategy in London, Ontario, is one model for responding to domestic violence. The community has:

A police policy whereby perpetrators will be charged with the crime of assault

Intensive training for police on how to deal with wife-battering

A family consultation service that provides 24-hour-a-day crisis intervention

An emergency shelter for women and children

A battered women's advisory clinic to provide legal and emotional counselling for women

A treatment group for men who assault their wives.[32]

This kind of multi-agency approach may be more difficult to develop in countries where resources are not available. In some countries, for instance, the police may lack even basic tools, such as transportation or reliable telephone services.* In developing countries, the lack of resources can be offset by the more active role the community plays in social life and by the efforts of women who can use their positions as market traders, farmers or elders to influence community responses.

Policies for dealing with domestic violence must also be appropriate to the country context. Most importantly, policies need to take into account the needs and desires of the victim. She should not be treated as incidental to the issue. For example, in some jurisdictions, the application of the criminal law model has resulted in the imprisonment of some battered women who refused to testify at their husband's trial or to cooperate with the criminal justice process.

In multicultural societies, Aboriginal and immigrant women may have particular difficulties in their relations with the criminal justice system.[33] They may feel unwilling to cooperate in any strategy based on a criminal model. Some Australian Aboriginal women, for instance, have indicated an unwillingness to cooperate in any domestic violence policy which depends on the criminal justice system, a system they distrust and from which they are anxious to protect their men.[34]

Policies involving the criminal justice system must be introduced sensitively. One of the challenges in successfully implementing a criminalization strategy is to educate and train all the people in the criminal system about domestic violence issues. Practitioners of the criminal justice system and the community as a whole need to understand the new policies. They need an explanation of why the policy is necessary and of how it will be put into effect. Training is discussed in section VII below.

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*J. Taylor and S. Stewart draw attention, in *Sexual and Domestic Violence: Help, Recovery and Action in Zimbabwe* (Harare, A. von Glenn and J. Taylor, 1991), to the fact that the Zimbabwean police force has limited means of transportation and that telephones frequently do not work.

Often, policies are introduced at the top levels and are never properly explained to the people who have to put them into practice. For instance, a police policy that calls for the arrest of husbands who have assaulted their wives is not enough. An individual police officer may still be reluctant to arrest and charge a husband, even if the people responsible for the police force have made that course of action a matter of policy. Individual police officers may still approach cases of domestic violence with stereotyped ideas of male and female behaviour.

It is essential to provide everyone in the criminal justice system with basic and uniform information on policies and procedures for handling domestic violence. The information could include:

- General information on all facets of the phenomenon of wife assault
- Precise definitions of the actions which constitute domestic violence
- Information on how to identify cases of domestic violence
- A list of the options available to practitioners when they are faced with a situation of domestic violence
- Research statistics and reports
- Guidance on how to determine the appropriate response and how to put it into effect.

An important first step in the criminalization process is for senior officials to decide that taking action on domestic violence is a priority. Practitioners at all levels should then be encouraged to participate in the development of improved policies and practices, with a view to streamlining an agency's response to individual cases.

The agency will need strategies, including training programmes, to make sure that policies and procedures developed at the management level are put into practice at the operational level.

Since criminal courts require evidence to prove the guilt of the accused person, it can be difficult to obtain a conviction in cases of domestic violence. Crimes that take place in the family present serious evidentiary difficulties, because these crimes usually occur in private. The victim is often the only witness. A victim's evidence is, therefore, crucial to proving the guilt of the accused. In many situations, the victim continues to live with, or at the very least, have contact with, the accused before the trial takes place. Her situation makes her susceptible to threats and repeated requests to withdraw her complaint or not to give evidence at the trial.*

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*Canada, New Zealand and a number of the states and territories of Australia have introduced changes in prosecutorial policy which instruct police and other prosecutors to proceed in domestic violence cases as if the case were between strangers. This must be done even when the victim indicates that she would prefer that the case not proceed. In theory, this relieves a victim from pressure from her husband to withdraw a charge, since she has no control over the decision.

Many people have the mistaken impression that a disproportionate number of women who are victims of domestic violence withdraw criminal charges against their husbands or refuse to give evidence in court. This misconception is often used to justify inaction on the part of the criminal justice system in cases of domestic violence. Some studies indicate, however, that there is no greater withdrawal of charges by wives than by victims of any other crime.[35]

The criminal prosecution of cases of domestic violence is seriously hampered in some countries because wives are not allowed to give evidence against their husbands. In legal terms, they are not "competent" witnesses. This makes the prosecution of offenders almost impossible, as it is very difficult to present evidence of the accused's crime.

In some countries, wives may be competent witnesses, but they cannot be required to give evidence against their husbands. They are not "compellable" witnesses. Some countries* have therefore passed laws which make a wife a compellable witness at her husband's trial, putting her in the same position she would be in were she not married to the accused. The laws usually allow a court to excuse a wife from testifying if the court believes that it is an exceptional circumstance and that she has not been intimidated. This legislation has often been misused to excuse wives from testifying and is not necessarily effective.

Laws which require a wife to testify can, however, backfire on her. She can be vulnerable to contempt of court charges and to punishment for refusing to testify at the trial. Women have been imprisoned in England and in Canada for refusing to testify at their husband's criminal trial. This means that a woman may decide not to call the police when she is being assaulted because she does not want to be forced to testify at her husband's trial later.

Although law reforms to change evidentiary rules on competent and compellable witnesses can remove some of the difficulties in getting a criminal conviction, successful criminal action remains problematic and, in some cases, may be inappropriate. Many countries have therefore looked for other legal solutions to the problem.

A husband who has promised a judge that he will keep the peace can be punished if he breaks that promise. In many countries, a victim can complain to a judge that violence has taken place. Instead of the complaint resulting in charges and a criminal trial, another action that lies between the criminal and the civil law can be taken. The judge can order the violent party to promise, with or without a pledge of money, to "keep the peace" or "be of good behaviour".

The order is often called a "bind over" or "recognizance". The complainant usually has to show "just cause of fear" that, unless something is done, the person will physically harm her. Once the order is made, if the perpetrator breaks it, he will be punished.

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*England, Canada, and most of the Australian states have legislation making wives compellable witnesses in trials where their husbands are the accused.

Usually he will have to pay a specified sum of money or, in some cases, he may be imprisoned.

This quasi-criminal remedy addresses itself to at least some of the problems with criminal prosecutions. The remedy is accessible and quickly available. The standard of proof required to get this kind of order is lower than the standard in criminal trials.[36] The order can be made before a woman has been physically hurt.

The remedy is not without problems. The court cannot attach any conditions to try to prevent a violent situation from developing. The order can only say that, if something violent happens, punishment will follow. So, for instance, the perpetrator cannot be excluded from the home for a period of time. If the order is broken, the victim will have to initiate a court hearing to have the punishment applied. It may be difficult to identify or prove a breach of the order because of the vagueness of the expressions "keep the peace" or "be of good behaviour". The judge has limited options for punishing the perpetrator. The remedy is not available in cases of harassment that fall short of physical violence.

Despite these criticisms, the remedy may provide some victims with appropriate relief, particularly in jurisdictions where there is no special legislation on domestic violence. Jurisdictions may find it easier to modify the existing "bind over" or "recognizance" procedure to provide a remedy for women, rather than to set up completely new criminal justice laws and procedures.

> *Inspired by the potential of quasi-criminal remedies, some Australian jurisdictions, for example, have introduced laws providing for "protection orders", which are specifically tailored to domestic violence.*

The legislation governing such orders varies from one jurisdiction to another. The differences include the definition of domestic violence, the criteria governing who can apply for an order and when an order can be made, the procedures to follow and the types of order available. In general terms, however, the legislation provides for a court order which protects the victim against further attacks or harassment. Breach of the order is a criminal offence and police may arrest, without warrant, a person who has contravened a protection order.

The hearing can be held even if the perpetrator is not in court. An order will be made if it is shown that it is more probable than not that he caused or is about to cause harm. Orders that can be made include forbidding the perpetrator to approach the victim and limiting his access to premises, including his home, even if he legally owns them.

These protection orders appear to offer a victim of domestic violence a workable response to her situation. Procedures for obtaining the orders are quick and inexpensive and the enforcement process is effective. An order can be specifically tailored to deal with a particular situation. It is not limited to criminal or tortious conduct. Response to the orders has, however, been mixed.

To a great extent, as with a criminal approach to domestic violence, the effectiveness of protection orders depends on the police and judges. While in some Australian jurisdictions the police have been quick to see the advantages of the order and have been vigorous in their pursuit of it, in others they have not been so helpful. Except in cases where the order itself acts as a deterrent, the order is useless unless it is properly enforced.

Victims in some Australian jurisdictions have viewed the orders negatively, although in other jurisdictions they have been enthusiastic and sought orders on their own behalf. Legal and welfare workers have responded positively, seeing such orders as a necessary complement to, but not a substitute for, the criminal law. The protection orders provide victims with a "softer" response than immediate criminal prosecution but, nonetheless, give the perpetrator a clear warning.

Despite the mixed response to the orders, no Australian jurisdiction has sought to dismantle the legislation which allows for them. In fact, New South Wales has amended its legislation a number of times. Originally the orders were available only to spouses, then to those who share or shared a common residence and now they are available to anyone who fears violence from another person. The orders are now of general application.

New South Wales evaluated the impact of the legislation between 1983 and 1988. The results reveal that the number of domestic violence matters dealt with by the police and the courts has increased markedly since the introduction of the protective order legislation. The police appear to have become increasingly responsive to the issue and the community is now aware of the legislative provisions. While only 22 protection orders had been sought by the police on behalf of victims in 1984, 270 had been sought in 1987. This had not been at the expense of criminal proceedings, as there had been an increase of police prosecutions in cases of domestic violence from 485 in 1984 to 1,088 in 1987. The proportion of police, rather than victims, laying charges increased from 56.3 per cent in 1984 to 86.7 per cent in 1987.[37]

Protection orders are a strategy that offers significant possibilities in certain cases of domestic violence. Like any other legal strategy, protection orders do not provide a universal solution to the problem of domestic violence. Unlike a criminal conviction, a protection order does not immediately penalize the perpetrator. Arrest and prosecution will follow only if violence occurs. These orders will be ineffective in situations where the perpetrator has no respect for the law or where he is extremely violent and unpredictable. Moreover, this type of legislation will be ineffective if the police and other criminal justice workers are not prepared to take domestic violence seriously.

Injunction or interdict orders can prohibit a perpetrator from molesting or harassing his wife or can order him out of his home for a short time. Most jurisdictions provide a remedy, known as an "injunction" or "interdict", which is used to support a primary cause of action. An injunction or interdict can be granted to stop the sale of a house, the ownership of which is in dispute, or to direct an individual to stop doing something that is a nuisance.

In cases of domestic violence, an injunction or interdict can be granted as incidental or ancillary to proceedings for divorce, nullity or judicial separation or other civil proceedings, such as a suit for damages. Such incidental relief could take the form, for example, of an order directing that a husband refrain from having contact with his wife or requiring that he vacate the matrimonial home.

In most jurisdictions, injunctions and interdicts can only be awarded in conjunction with a main action. In other words, a victim of domestic violence can only get such an order if she takes another court action for principle or primary relief, which is something she may not want to do.

Some jurisdictions have enacted legislation that allows a victim of domestic violence to apply for injunctive relief independently of any other legal action. Such jurisdictions include Australia, Austria, Bahamas, Hong Kong, Jamaica, New Zealand, Saint Vincent and the Grenadines, and the Turks and Caicos Islands as well as most of the provincial jurisdictions of Canada, England, Scotland and Wales.

Legislation of this nature differs from one jurisdiction to another, but there are some similar characteristics. In general, two sorts of orders are available.

The first type of order prohibits the perpetrator from "molesting" or "harassing" the victim. These terms have differing definitions and are usually subject to judicial interpretation, but have been held to cover threats, constant following, telephone calls and contact.

The second type of order, referred to as an "exclusion", "eviction" or "ouster" order, is more severe. The perpetrator can be excluded from part or all of the family home or, under certain statutes, from the area in which the home is situated. This can occur even if he owns the property. The order is usually for a limited period of time.

Frequently, the police are given the power to arrest the perpetrator without a warrant if he breaches the order. Under some statutes, the arrest power is automatically attached to the order. In other statutes, the arrest power will be attached to the order if the victim requests it. In others, attaching the arrest power to the order is a matter of judicial discretion.

Penalties for breaching the order also vary, but the ultimate punishment is imprisonment.

The aim of these injunctions is to provide the victim or potential victim of domestic violence with a short-term measure that falls short of criminal sanction. The legislation has some advantages. It indicates unequivocally to the perpetrator that his violent behaviour is unacceptable. It usually provides the police with effective power to act if violence occurs. Generally, the legislation also allows the victim to apply for an injunction order in the absence of the offender and in an expeditious fashion.

The legislation and its implementation are not, however, without problems. The remedies are limited by the statutes that authorize them. Some countries continue to insist that the remedy be granted as an ancillary remedy only and in some countries the coverage of the legislation is not universal. The provision that exists in Malaysia, for example, is not available to Moslem or Aboriginal women, who must depend on their own personal laws for relief.

Some statutes limit the effectiveness of the remedy by their definition of abuse. Few, for example, provide relief in cases of emotional and psychological abuse.

Some statutes arbitrarily exclude large segments of the population by limiting the remedy to certain relationships. For example, the remedy may be available only to married couples or may require that the parties be adults who are involved in a sexual relationship or are living with each other. Most statutes exclude couples who have never lived together, ignoring the reality that some people have longstanding relationships and, possibly, children, although they have never shared a home. Many statutes fail to cover divorced couples, again failing to recognize that incidents of violence are very common in couples who have split up, the violence often taking place when the non custodial parent comes to see the children under access arrangements.

Some of the laws' procedural requirements also limit access to this remedy. There may be a high fee to pay the court before starting the procedure. The steps to be taken may be difficult for a lay person to understand and she may have to get legal advice. Legal assistance may be hard to find or expensive, or, if it is available, lawyers may not be well informed about the remedy and the procedures to be followed. Free or low-cost legal services may not be available in the jurisdiction or, if they are available, the victim may be disqualified from receiving them because her eligibility depends on her husband's income. Finally, the sanctions allowed under the law may not be clear or strong.

Like all other legal remedies used in the context of domestic violence, the effectiveness of protective injunctions depends on the cooperation of the officials involved, particularly criminal justice practitioners. The experience in England and Wales provides an illustration. These countries have extremely comprehensive, albeit complex, legislation to provide women victims of domestic violence with injunctive protection. The scheme has been weakened, however, by disappointing police and judicial response. Police are often unaware of the existence of protection orders and even when they are aware of them, they are reluctant to intervene. Judges are usually unwilling to grant non-molestation orders that last more than three months and are extremely reluctant to exclude a man from his home unless there is evidence of severe violence.[38]

D. Provisions in family law for divorce or separation

Family laws on divorce and separation mean a woman can end an abusive marriage but, as will be seen from the following paragraphs, they are not helpful if the woman wants the marriage to continue but the violence to end. In many countries, family law provisions are used to deal with domestic violence. Women who are victimized by their partners may try to obtain marital relief, including legal separation and divorce.[39]

The law relating to separation and divorce varies from country to country and sometimes, within a country, from group to group. There are basically three types of family law. The first is the general law, based on a European model, such as English common law, Roman Dutch law or Roman law. The second is customary law. The third is religious law, such as that derived from Canon or Islamic law. In some countries, parallel systems of legal regulation exist. For example, in Malaysia, Moslems are governed by Islamic law, certain indigenous groups are governed by customary law and the balance of the population is governed by general law principles derived from English common law.

Despite the wide diversity of family laws throughout the world, some generalized comments about the availability of divorce and separation in cases of domestic violence can be made.

Where a marriage is governed by a customary law regime, it can be dissolved, but such dissolution is discouraged. It is a matter between the families of the couple and they will first attempt to mediate. This is particularly the case in systems where the wife's family will have to return the bride price paid by the husband or his family if the marriage ends. Although dissolution will be discouraged, persistent cruelty by the husband towards the wife will be accepted as grounds for dissolution of a customary marriage. Where the abuse takes the form of minor physical cruelty or emotional abuse, dissolution may not be allowed.

In jurisdictions where marriages are governed by religious law, a woman who has been treated cruelly will be able to divorce her husband. This is not, however, the case where the marriage is governed by Roman Catholic Canon law which prohibits divorce although it allows judicial separation.

Under the general law governing divorce and judicial separation, there are three models. The first model allows a divorce or judicial separation when one of the parties is guilty of some fault, for instance, of committing adultery or being physically or emotionally abusive. The second model allows for divorce when there is evidence that the marriage has completely broken down. The evidence must usually show fault. The third model allows a divorce when the marriage has completely broken down. As evidence, the parties either have to swear that this is the case or show that it is because they have been living apart for a period of time. In countries where the second and third models are in place, the law will not present any difficulties for a woman who wishes to divorce her husband for physical, emotional or sexual cruelty. Where the first model applies, a woman may face obstacles, as some jurisdictions limit the situations in which a woman may divorce a man.

Although helpful in some contexts, marital relief is not a universal solution to the problem of domestic violence. Such relief does not guarantee that the woman will be protected from violence in the future. The relief is not available to women who are involved in a relationship outside marriage. Moreover, many women may not want to divorce or even separate from their husbands. Their priority is to end the violence in the relationship, not the relationship itself. Finally, many women avoid divorce out of shame (because it is socially or culturally unacceptable), because they want to maintain the family for the sake of the children or because they wish to maintain a standard of living.

Even if a woman wants to end her marriage, she may face legal obstacles. Except in jurisdictions where a divorce can be obtained if the marriage can be shown to have broken down, the woman will have to prove that grounds for divorce exist. She has the burden of satisfying a judge that such grounds do exist. This may be difficult when the judge is dedicated to the concept of the sanctity of marriage or does not take domestic violence seriously.

In some countries, a spouse who wants to get a divorce must attempt a reconciliation before a court will decide on the divorce application. In such countries, a woman will be in the unhappy position of having to meet her attacker and attempt to agree with him before she can follow through on her decision to get a judicial separation or divorce from him.

In most jurisdictions, a divorce or separation is not available until a few years after the marriage has taken place. In some countries, the waiting period is five years.

E. Other provisions in family law

Divorce and judicial separation are not the only remedies available in family law which may be relevant to victims of domestic violence.

In Argentina, for example, a Family Violence Act provides various remedies within the family law system. These include the removal of the perpetrator from the home, mandatory participation in re-education programmes, compensation to the victim and other financial provisions.

In Costa Rica, a family court judge can order that a perpetrator be removed from the home.

Many family law systems provide for maintenance and other forms of financial support for women and their children when a divorce or separation is pending or after it has been finalized. This financial support can cushion family members, to a certain extent, from the economic consequences of marital breakdown.

The effectiveness of family law remedies is often hampered by a lack of awareness of existing legal rights.

Women can try to obtain financial compensation for the costs that they have incurred and the pain that they have suffered as victims of domestic violence. Most legal systems provide a person who has suffered a wrong with civil law remedies. If a person is assaulted in any context, she or he can use the civil law to try to obtain monetary compensation from the attacker. In theory, a victim of domestic violence also has a right to bring a tort or delict action against the perpetrator.

Procedural limitations can, however, limit this remedy. In some countries, women cannot take legal proceedings on their own. In these countries, women are considered to be perpetual minors and must sue under the guardianship of a man, their father or brother, if they are unmarried, or their husband, if they are married.* This effectively blocks any claim by these women.

In other systems, although women are able to take legal proceedings, they cannot take legal action against their husbands. Husband and wife are perceived to be one, and for one to sue the other would be to sue oneself. Finally, even in systems where civil suits between husband and wife are allowed, actions may be stayed by the court where it is considered that no benefit will arise from the litigation.**

Civil suits thus present difficulties in the context of domestic violence. In general terms, the object of a civil action is financial compensation, which is provided by the defendant. Except that the defendant may suffer financially, there is no therapeutic or punitive aspect to a civil action. Also, unless the defendant's financial resources are separate from those of his victim or of the rest of their family, there is little to gain from such an action. This civil remedy is most useful when the partners are separated.

Some countries have established government-funded compensation schemes that provide compensation to victims of most crimes. These schemes may pay medical or dental expenses, compensation for lost salary, transportation costs or other expenses that the victim incurred as a result of the crime. They may also pay a certain amount for pain and suffering.

Victims of domestic violence may find these schemes more useful than private civil actions. Some countries, however, have schemes with a blanket provision that excludes cases of domestic violence. Other countries require victims of domestic violence to meet certain conditions. For example, in the United Kingdom of Great Britain and Northern Ireland, claimants who continue to live with their assailants or who fail to cooperate with the police cannot receive compensation.

In some countries, however, victims of domestic violence have benefited from the schemes.

> *In Canada, for example, there is a growing tendency for provincial compensation schemes for victims of crime to pay compensation awards to women who have been victims of physical or sexual assault.*
>
> *In Australia, there was a case of a woman who had been the victim of long-term violence from her former cohabitant and was suffering from anxiety, symptoms of panic, insomnia and nightmares who as a result was awarded $A 45,000 under such a scheme.*

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*This is the case for many African women (see R. Hirschon, ed., *Women and Property, Women as Property* (London, Croom Helm, 1984), Introduction). Some jurisdictions have changed the law. For example, Zimbabwe passed the Legal Age of Majority Act in 1982.

**For example, the Law Reform (Husband and Wife) Act 1962 (England and Wales) allows the court to stop proceedings between husband and wife if no substantial benefit would accrue to either party from their continuation.

III. Improving the criminal justice system

A. Role of the police

The police hold the key to an effective response to domestic violence. Many factors contribute to the important role the police can play in protecting victims of domestic violence. The police force is invested with power by the State to stop or control unacceptable social behaviour. In many countries, police and hospital emergency services are the only ones that are available 24 hours a day, seven days a week. The police have an emergency telephone system and their services cover a comprehensive geographical area. They are there to respond quickly to violent situations.

Police are in the front line where domestic violence is concerned. One research study in the United States of America, for example, found that police had been called to homes in which a person was killed by a family member several times before the murder actually took place.[40]

Some research studies indicate that specific police actions, such as the arrest and charging of perpetrators, have a strong impact on offenders in domestic violence cases, reducing the rate of recidivism.[41]

The traditional police approach to situations of domestic violence is changing. Although the role of the police in cases of domestic violence is critical, research indicates that, in general, police response has been significantly different from that observed in other cases of violent behaviour. Police are thought not to offer the victim of domestic violence adequate protection from the perpetrator; they are perceived as underestimating the violence and dismissing some appeals for help because they do not think there are sufficient grounds for intervention.

In some studies, it was found that police dispatchers did not assign the same priority to reports of wife assault as they did to other calls. Researchers also found that officers failed to respond to calls for assistance from victims or, if they did respond, did not provide adequate assistance.[42]

Police may be reluctant to intervene in domestic disturbances because they place greater value on privacy and family rights than on the victim's right to freedom from assault or fear of such assault. They frequently subscribe to the view that the victim probably provoked the violence in some way. They are sometimes reluctant to act and show little interest in a case because they do not believe it will result in a successful prosecution. Often they are unaware of sources of help and support to which they could refer a victim. Finally, situations of domestic violence can be volatile and unpredictable, putting police at risk as well.

In a British study, 59 Englishwomen who had left their violent husbands were interviewed. Twenty-five of them had been subjected to life-threatening attacks. It was found that in 8 per cent of the cases the police did not come when called to the scene of the violence; in 55 per cent of the cases, the police said it was a domestic dispute and no practical help was given; in 17 per cent, the man was charged with assault or breaching an injunction; and in 20 per cent, practical help was given in that the man was taken away for the night or the woman referred to a refuge.[43]

According to some studies when police officers do respond, their practice is to attempt to mediate or counsel the parties and achieve reconciliation rather than to enforce the law. In the past, police preferred not to make arrests in cases of wife assault, although an arrest would be automatic in other non-domestic situations. Police have tended to ignore a woman's request to arrest her husband unless the violence is very severe or if there is some other important variable, such as drunkenness, public nuisance, belligerence towards the police or complaints from the neighbours.[44]

In developing countries, the police often promote mediation.

In Egypt, for example, women who have been assaulted by their husbands are referred to the social worker at the police station.

In Greece, Malaysia, Nigeria and Thailand, the police attempt to conciliate between the parties and dissuade victims from taking the matter to court.[45]

In Israel, new police guidelines expressly abolish the mediation policy and stress instead their criminal law enforcement role.

Police need training to help them understand the dynamics of domestic violence. The police themselves report that their experience in domestic violence cases can be frustrating. For example, despite regular beatings, victims of wife-assault may remain in violent relationships and refuse to assist in the prosecution of the perpetrator. Police explain their own reluctance to act as law enforcers in situations of domestic violence as a product of the reluctance to press charges in the initial phases of a police investigation shown by many women and their later reluctance to give evidence in court.

Police training must attune police officers to the dynamics of abusive relationships. They need to understand the feelings of dependency and fear, the sense of responsibility for any children of the marriage and the isolation that many women who are victims of domestic violence experience.

B. Strategies to improve police handling of domestic violence

The task that the police have in responding to domestic violence is very difficult. Their ambiguous role, peace keepers or law enforcers, is a reflection of a society's own ambiguous perceptions of domestic violence - a private matter in a family's home or a crime. While a society works out the approach it should take to combat domestic violence, there are several strategies that can be implemented in the short term to improve their handling of these situations. Strategies include:

- Providing police with appropriate powers (for example, power of entry, power to arrest and power to release on bail)
- Developing policy guidelines for using those powers
- Setting up specialized units to respond to cases of domestic violence
- Training all ranks of police officers in the unique dynamics of domestic violence and in the appropriate responses to be made.

The police need clear legal powers of entry, arrest and release to respond appropriately to domestic violence. An important first strategy is to determine whether the police have access to adequate powers to enable them to respond effectively. Some jurisdictions are clarifying police powers in a number of areas.

1. Entry to private premises

Throughout the world, the power of the police and others to enter private premises is limited. This limitation is enshrined in national, regional and international human rights documents. It is an important guarantee, which protects the lives of ordinary men and women from arbitrary State interference. In the context of domestic violence, too great an adherence to these guarantees can protect the perpetrator at the expense of the victim.

In most jurisdictions, police powers of entry into private premises are limited to situations where they have reasonable grounds to suspect that a breach of the peace is occurring or is about to occur or where they have been issued a warrant that allows entry. If there is no indication that an assault has occurred or is about to occur, police do not have reasonable grounds to suspect such a breach of the peace.

In a typical case of domestic violence, police will be called by a family member or neighbour. They will be met by a member of the household who will tell them that nothing has happened. In the absence of a warrant, unless the police are invited in or are able to justify their suspicions that a breach of the peace has occurred or is about to occur, they do not have the right to enter. Entry can be justified if they hear suspicious noises or see signs of injury. Otherwise, if they enter premises by trick or force, they may face a legal suit or a disciplinary hearing.

> *In Israel and some Australian jurisdictions, new legislation clarifies police powers and extends them to the investigation of cases of domestic violence. This legislation allows police to enter premises if requested to do so by a person who apparently resides there or if the officer has reason to believe that a person on the premises is or may be under threat or attack or has recently been under threat or attack or that an attack is imminent.*[46]

In New South Wales, there is a provision in the legislation to the effect that warrants can be acquired over police radio telephone.[47]

2. Powers of arrest

The power of the police to arrest, although varying from jurisdiction to jurisdiction, is usually controlled and confined to matters of some urgency. To protect individual civil liberties and to respect human rights commitments, unless a person has committed or is in the process of committing a breach of the peace or there is a danger that an offence will occur, in most countries a police officer must have a warrant of arrest. In some jurisdictions, arrest is discouraged and proceedings by summons are favoured.

In the context of domestic violence, although the police have the same power to arrest as in any other situation, they are often uncertain of their legal powers, even in cases of very serious violence.

Some commentators argue that the police should be mandated to make an arrest in situations of domestic conflict. They believe that the arrest not only provides the victim with immediate safety but also gives her a feeling of power. The perpetrator receives a clear message that his behaviour is unacceptable, a message that is said to have long-term effects on his future behaviour. They also suggest that the arrest of the perpetrator gives the victim a period of time, during his absence, to sort out her options for the future.

According to these commentators, central questions of policy are the purpose of and justification for arrest. The most radical advocates of mandatory arrest in cases of domestic violence suggest that arrest is a deterrent, a short, sharp shock inflicted in order to modify the perpetrator's behaviour. Opponents suggest that to use arrest in this fashion not only infringes civil liberties, but punishes the perpetrator before proof of guilt. Others worry that arrest may increase a man's anger and result in more violence.

It is unusual for the police to be mandated to make an arrest in all cases of domestic violence. Some countries have, however, modified the police mandate with a view to clarifying the situation.

In England, for example, the London Metropolitan Police issued a force order in June 1987 which encouraged the use of arrest in domestic violence cases and in Wales, the Cardiff police have been issued a card listing all legal options, which has been backed up by a strongly worded letter of support from the Chief Constable.

In Israel, under new police guidelines there is an arrest policy in any case where there are physical signs of assault. The perpetrator is to be taken to the police station for an interview and a cooling-off period. Exceptions are allowed only with the approval of a higher authority.

In jurisdictions where victims of domestic violence can ask for a civil injunction, it is common for a power of arrest to be attached to the injunction.

3. Bail

In many countries, a person who has been arrested has the right to be released on bail, either by the police or by a judicial officer. Frequently, bail provisions will require that person to deposit a sum of money as security or to have a person act as a surety, agreeing to forfeit a sum of money if the arrested person does not appear in court on the set date.

In many cases of domestic violence, immediate release of the perpetrator may be dangerous for the victim. Certainly, the release of the perpetrator without prior warning to the victim may have serious consequences for her. A number of jurisdictions have attempted to strike a balance between the interests of the accused and those of his victim by allowing bail but attaching bail conditions designed to protect the victim after the perpetrator has been released.

> *In Israel, for example, the police have to consider whether the court should be asked to include a protection order as a condition of bail. Non-compliance with bail conditions is grounds for arrest pending trial.*
>
> *In New South Wales, a special bail form, providing conditions that may be imposed on the person to be released, is used by the police in cases of domestic violence. The accused can, for example, be released on condition that he does not drink alcohol or approach the victim. If the offender has previously broken bail conditions, bail may be refused unless the person granting bail is satisfied that the person will comply with the conditions this time.*[48]
>
> *In New Zealand, in cases of sexual violation or other serious assault or injury, the prosecutor must convey to the judicial officer considering bail any fears that the victim has about the release of the offender.*[49]

C. Policy guidelines for police action

Police policy guidelines often:

- Define what domestic violence is
- Give the status of violence in law
- Set out clear expectations of police behaviour in handling incidents
- Outline procedures for protecting the victim
- Emphasize police responsibility in linking victims to appropriate support services

- Recognize that police need to collaborate with other community service practitioners at all stages of police work.

1. Use of special police units to deal with domestic violence

Some jurisdictions assign women officers (and civilian members) to work specifically in the area of domestic violence. Women officers may be trained to work with, or become part of, crisis intervention teams and to conduct interviews with victims.

> *Argentina, Brazil and Peru have set up networks of women's police stations. At these stations, all the members of the staff are women. The goal is to combat violence, as well as other crimes against women. The staff members provide protection, counselling, and referrals for women who are victims of violence.*[50]

In some countries, the setting up of specialized police units or teams to respond to cases of domestic violence is linked to hiring strategies designed to make police forces representative of the community.

> *In Canada, the priority groups for police employment equity strategies include Aboriginal people, visible minority groups, women and the disabled. These policies have resulted in the hiring of more women officers and civilian members.*

A telephone call is often a victim's first contact with the police. When a victim calls police for assistance, the response of the officer answering the call is extremely important, as this is often a victim's first contact with the police.* Improving the police response to domestic violence should therefore begin by improving the way in which police dispatchers receive calls and reports of domestic violence.

Instructions for police dispatchers should specify how to get information from the caller so that they can identify an incident of domestic violence. The instructions may include:

- Treating the call as a priority[51]
- Finding out when the assault occurred and where the victim(s) and perpetrator can be found; finding out whether children are at the scene, if alcohol or drugs are a factor and if there have been threats of more violence
- Finding out the level of violence and if weapons were used
- Finding out if there are firearms in the home

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*Some communities have emergency telephone services, linking callers who have dialled only a few digits directly to the police. In Austria, Belgium, Canada, France, Norway and the United States, crisis lines staffed by volunteers can refer victims to the police.

- Finding out if any witnesses saw what happened

- Getting details of the scene of the alleged offence

- Finding out about prior violent offences, prior complaints and if prior medical treatment has been required as a result of assaults

- Referring the victim to a hospital emergency room where she can be examined and a medical certificate can be prepared

- Referring the victim to the police unit to have photographs taken of the physical evidence of the assault

- Giving the victim information about help agencies, for example the telephone numbers of support telephone lines, shelters and legal aid. This information can be part of a police kit.

2. *Crisis intervention*

Crisis intervention techniques can be an option when arrest is either illegal or impractical. Victim-oriented crisis intervention by the police may improve the level of service offered to victims. Crisis intervention alone, however, is not an adequate alternative to law enforcement in dealing with violent behaviour,[52] particularly since domestic violence is often repeated.

Some police services have integrated crisis intervention activities within their operations. Strategies may include:

- Providing all recruits with basic training in dealing with victims of crime and in crisis intervention techniques

- Training regular and special unit officers in crisis intervention techniques[53]

- Setting up police-social worker teams composed of police and social workers;[54]

- Linking police with volunteers in the community[55]

- Linking police with other appropriate health and social agencies

- Reporting children in danger to the appropriate authorities; supplying police on patrol duty with a kit that includes information on local sources of help

- Contacting support systems for women, so that an emergency housing worker might, for instance, be asked to stay with a victim during an interview or to go to the hospital with her.

In Australia, after receiving a call about an incident of domestic violence, the Canberra police telephone crisis workers from the Domestic Violence Crisis Service.

> *The Service is a separate and autonomous 24-hour-a-day service. The crisis workers go with police to answer the call. They try to ensure that the victim's immediate needs are met. They also provide extensive follow-up support and information services. They can help a woman to obtain a protection order or access to priority housing. This frees the police to deal with the crime without being distracted by other concerns.*[56]

3. Police investigation of incidents of domestic violence

The thorough investigation of incidents of domestic violence is a key aspect of criminal justice intervention. Policies for police investigators and prosecutors should state clearly the expectations and requirements for conducting investigations.

The goals of investigations should be:

- To obtain all the available evidence
- To interview everyone involved and take statements from them
- To provide prosecutors with adequate information for trial.

Police should ensure that their investigation and documentation practices contribute to a proper handling of their cases.

There may be some difficulties in gathering evidence of domestic violence, particularly in cases of repeated abuse. For instance:

- The injuries (for example bruises) may not be visible or may not appear until later
- There may be difficulties in determining whether the injuries were accidental or were the result of violence
- There may be a lack of witnesses because the offence was committed in a private setting, or children may be the only witnesses
- The non-offending spouse may wish to protect the offending spouse
- The victims may be unable to report the violence because of such factors as age, fear or dependency
- The victims may not be aware of their legal rights
- The witnesses may not want to be involved[57]
- Records of previous incidents, such as police or medical reports and photographs, may not be available.

Police officers should be trained in investigation techniques. Officers should know how to gather, label and package evidence to prevent its loss or damage. This is particularly important in sexual assault investigations, where forensic evidence is very important.[58]

> *The Royal Canadian Mounted Police have developed a kit which includes a police officer's guide to handling evidence collected during investigations of sexual assault. Police in a number of other countries, including Israel, Malaysia and Thailand, are now using this kit.*

Police can also benefit from the expertise found in other sectors. For example, health professionals may have developed special techniques for talking to young children.

In some jurisdictions, police and social workers are learning to work together to interview victims of child sexual abuse. These partnerships ensure that police and practitioners charged with responsibility for child protection work together effectively.[59] Cooperation between police and social workers can also ensure that the goals of a law enforcement and social welfare investigation do not interfere with one another.[60]

Whether or not police or prosecutors decide to lay charges or prosecute a perpetrator, the police should keep complete records of all incidents of domestic violence. The documentation is important if there is a decision to prosecute. Complete records can also have a longer term impact on the problem. Thorough reporting procedures may provide useful information if there are other complaints of violence involving the perpetrator and they can improve the quality of general information available for research, response monitoring and resource allocation.

A thorough police investigation will include interviews with:

- The person(s) who reported the abuse
- The person(s) to whom the victim disclosed the abuse
- The victim(s)
- Family members
- Other witnesses
- The perpetrator
- Neighbours.

The statements obtained in these interviews may become evidence in criminal proceedings. Officers need to know how to conduct interviews in an appropriate and timely fashion, without intimidating the victim. Only qualified personnel should conduct interviews.

People may find that events are easier to recall on the first try. First interviews, therefore, may provide the most accurate information. This may be especially so in cases involving children.[61] Moreover, there is less need to repeat interviews, and cause further trauma, if the initial statements are accurate and comprehensive.[62]

Interviews may be more effective if:

- They are conducted by interdisciplinary teams of, for example, social workers and police officers
- The victims understand the purpose of the statement and how it may be used
- A support person, such as an emergency housing worker or victim advocate, is present when the statement is being given
- In certain cases, other family members are not present
- They are conducted by a female officer with training in domestic violence
- They are conducted in a safe place, away from the perpetrator (ideally in the home, when the perpetrator has left or in a neutral, non-threatening location).

Special equipment for video recording or audio-taping the interview can be helpful, with guidelines concerning taping practices.

Interviews with children who have witnessed domestic violence should only be done if absolutely necessary. A child should not be put in the conflict situation of having to choose sides between parents.

In general terms, police responses to domestic violence will be improved if police officers:

- Respond promptly to reports of abuse
- Respond promptly if the violence is resumed
- Are familiar with the resources available in the community
- Provide victims with the necessary information and support throughout the process of criminal justice intervention.

When police officers first respond to a call, they can provide various forms of direct aid. For example, they can:

- Administer first aid
- Get medical help

- Transport the victim to medical facilities or arrange transportation
- Take the victim to an appropriate safe place or to emergency housing if such a facility is available
- Give the victim a brochure or card, with information about community services she can use
- Help the victim to contact the right agencies.

Throughout the case, police officers can offer support and information, for example by:

- Serving as a point of contact with the justice system
- Ensuring that the victim continues to have access to the necessary information
- Providing specific information on the status and whereabouts of the accused
- Providing up-to-date information on the progress of the case.

In some jurisdictions, police-based victims' services units serve a useful liaison and information function. Their personnel are familiar with the broad impact of domestic violence and can provide a wide level of support and follow-up. Services may include:

- Providing information on the progress of a case
- Guiding a victim through the workings of the criminal justice system
- Explaining all the legal options to her
- Referring a victim to community services, including counselling or support groups where they are available.

4. Cooperation between the police and other sectors

In many jurisdictions, criminal justice agencies are working closely with practitioners in other sectors, including health, social services and education and with members of the community. Coordinating mechanisms help to clarify the roles of each agency and to develop procedures which practitioners can follow.

One way of documenting policies and procedures is to establish inter-agency protocols. Inter-agency protocols among the police, other criminal justice agencies and other sectors promote coordinated actions which can pool resources and reinforce efforts. An additional benefit of these protocols is that the agencies involved in the protocol development process often forge lasting communication links.

Agencies should assess community resources before drafting a protocol, which needs to be realistic.

Protocols may cover all or some of the following:

- Jurisdictional responsibilities
- Definitions of domestic violence; principles of action
- Reporting requirements and procedures
- Strategies for sharing information
- Referral procedures
- Legal options and procedures
- Protection options and procedures
- Available support services.

> *In Renfrew County, Ontario, Canada, a committee of police and Crown Attorney personnel developed the Wife/Partner Assault Protocol. It provides:*
>
> *Information on how to recognize and report wife assault*
>
> *Descriptions of each step in the police investigation and prosecution of wife assault*
>
> *A description of practitioners' areas of responsibilities*
>
> *Mechanisms to encourage mutual consultation and communication throughout the prosecution process.*[63]

Cooperation between police and the prosecutor is particularly important in cases of domestic violence. Police should ensure that reporting procedures are adequate. In particular, they should make prosecutors aware of cases requiring their consideration. The earlier prosecutors know about charges that are being laid or that are recommended, the sooner they can contact the victim.[64]

Police can forward information in any number of ways, for example by:

- Submitting case information directly to the prosecutor's office
- Updating the centralized computer systems to which prosecutors have access
- Ensuring, where there are no formal reporting or case referral systems, that victims receive written instructions on how to contact the prosecutor's office.

Police-prosecutor cooperation also helps in gathering information and evidence for the prosecution. In some jurisdictions, police consult the prosecutors on issues that may affect the decision to prosecute, including:

- The amount of evidence available
- The victim's capacity to testify
- The way in which hostile witness(es) are to be handled.

Police can make sure that prosecutors have up-to-date information on the stage the case has reached and on the status of the parties involved, especially if the relationship between the victim and the perpetrator continues.

D. Prosecution of cases of domestic violence

Domestic violence cases should be prosecuted in the same way as other cases of violence. The decision to prosecute cases of domestic violence rests, in most jurisdictions, with the prosecutors' office which represents the State. These offices have not prosecuted most cases of domestic violence referred to them.[65] Nor have they treated these cases in the same manner as cases involving violence between strangers.

The explanations for prosecutors' reluctance to act usually focus on obstacles to prosecutions, which may often be perceived obstacles rather than real ones. They include:

- Narrow legal frameworks and limited definitions of what constitutes domestic violence
- Some prosecutors' views which keep them from treating certain forms of domestic violence as crimes even if there are clear definitions in the law
- The victim's reluctance to cooperate with the prosecution and testify in court
- The problems of getting evidence to prove the crime
- Problems linked to the rules of evidence, such as limits on a wife's ability to testify
- The system's response: courts either do not convict offenders or give ineffectual sentences.

Some countries are developing policies to overcome these obstacles and help in the prosecution of domestic violence. The goal is to prosecute domestic violence in the same way as other crimes of violence. At the same time, the policies must protect victims and respect the rights of the accused.[66]

Strategies in this area include:

- Placing the onus on prosecutors to prosecute domestic violence cases in a like manner to other criminal cases, even without the consent of victims

- Making wives compellable witnesses, similar to victims of other violent crimes (so that wives can testify against their husbands)[67]

- Having policies which restrict the discretion of the prosecution to close simple assault files. These policies have detailed criteria for accepting a withdrawal of a complaint or for closing files for other reasons

- Acknowledging the difficulties in dealing with a witness who is intimidated

- Using specialized prosecution units in domestic violence cases

- Establishing special courts designed to deal with the prosecution of domestic violence cases

- Increasing the cooperation of a victim/witness by providing adequate support at all stages of the prosecution process

- Developing sentencing options, including treatment and re-education for offenders.

1. Special prosecution units and separate courts for domestic violence cases

In some jurisdictions, criminal justice systems have responded to domestic violence by assigning specific resources and specialized personnel to cases. There are, however, some concerns about providing a special status to cases of domestic violence. These include:

- Specialized training for limited numbers of practitioners should not replace general system-wide training in domestic violence issues

- Reliance on specialized teams may create backlogs particularly because some cases may not have access to this service

- Specialized family violence courts contradict the goal of treating domestic violence crimes the same as other violent crimes.

In some countries, such as Mexico, special prosecution units have been catalysts for changing the way domestic violence cases are prosecuted. People who support these units say that they offer several advantages, including:

- Drawing attention and resources to domestic violence cases

- Increasing practitioners' understanding of domestic violence and of the special needs of victims

- Increasing the general information available on domestic violence
- Developing ways of dealing with evidentiary problems
- Expediting the criminal justice process.

Special prosecution units vary in the way they are staffed, in their case-intake processes, in their prosecution procedures and in their links with other service providers in the community. For example, some units assign one prosecutor to work on a case from beginning to end. Others assign a victim advocate to the case. The advocate then works with any available prosecutor.[68]

Some prosecution units, however, do not rely on special teams. Instead, they develop policy guidelines and training programmes to be sure that all staff can handle domestic violence cases with sensitivity.

> *The province of Manitoba, Canada, for instance, has developed a special criminal Family Violence Court. The Court deals exclusively with cases of domestic violence against spouses, children and the elderly. Practitioners working in this court have specialized knowledge of domestic violence.*[69]
>
> *The Family Violence Court addresses the unique requirements of domestic violence cases by having staff (a) process cases as quickly as possible to reduce trauma and encourage victims to continue to participate in the criminal justice process; and (b) provide victims and offenders with information on other support services. After sentencing, they refer offenders to treatment programmes.*

2. Strategies to improve victim support by prosecutors

A victim's reluctance to be a witness at her husband's trial is a major obstacle in the successful prosecution of offenders. Traditional criminal justice approaches may actually increase a victim's reluctance to participate in the court process.[70]

Prosecutors can use strategies which emphasize victim support and prosecutor-victim communication. These efforts should begin as soon as possible after charges are laid. A prosecutor should continue to communicate with the victim during the preparation of the case and throughout the prosecution process.

Prosecutor strategies may include:

- Arranging to meet a victim as soon as possible. This can reduce the chance that a victim will succumb to fear or intimidation related to participating in the prosecution process
- Providing emotional support
- Providing information on legal options

- Attempting to protect a victim from harassment and intimidation by the accused.

Some jurisdictions have developed specific services for victims of domestic violence. For example, in some places, victim advocates and victim supporters provide specialized services throughout the prosecution process.

> *In Ontario, Canada, for instance, a special Victim/Witness Assistance Program aids victims of domestic violence (as well as other victims of personal crimes).*[71] *Since 1990, agencies in France whose statutory purpose is to combat domestic violence may become a civil party in the trial of a perpetrator.*[72]
>
> *In Canberra, Australia, crisis workers at the Domestic Violence Counselling Service attend court proceedings with the victim and provide her with other forms of assistance. In other Australian jurisdictions, there are other court support schemes. Throughout the country, extensive advocacy work is done by emergency shelter workers.*

Prosecutors should also consult with victims about the impact of the offence, particularly when preparing sentencing submissions.[73] They could consult with victims:

- Before filing charges
- Before and during any negotiations with the accused over the charge to be laid
- To inform them on a regular basis of the progress of the case
- To discuss recommendations for sentencing; to assist them if they are completing a Victim Impact Statement*
- To discuss the sentence handed down.

In jurisdictions where prosecutors have significant discretion in laying a charge, they may base their decisions on the following factors:

- The seriousness of the victim's injuries
- Whether or not the accused used a weapon
- The offender's history of criminal and violent behaviour
- The potential for more, and lethal, violence.[74]

***In a Victim Impact Statement, the victim describes to the court the effect the offence has had on her. Victims can be cross-examined about their Victim Impact Statements and care must be taken so that victims do not end up "on trial" over their statements.**

3. Mandatory prosecution procedure

In jurisdictions with mandatory prosecution policies, the State, rather than the victim, is the complainant. In these jurisdictions, more cases often reach trial.

The advantages of mandatory prosecution policies include:

- Sending a strong message about the criminality of the behaviour
- Protecting the victim who, if she has no role in the decision, may be less vulnerable to threats and harassment to convince her to withdraw the complaint[75]
- Guarding against dismissal of the case by prosecutors.

Mandatory prosecution may be most effective where there is an infrastructure of services available to assist victims and where appropriate sentencing options are available for offenders.[76]

The disadvantages may be that the policy creates an unintended effect. Mandatory prosecution may also discourage victims from contacting police for assistance.[77] Eliminating the victim's choice may increase her distress and feelings of powerlessness, as she cannot control what happens.[78]

4. Prevention against charges being dropped

In some places, a victim must appear in court to tell the judge why the case should be dismissed, otherwise the charge cannot be dropped. This reduces the likelihood that the accused can intimidate or threaten the victim.[79]

> *In some United States jurisdictions, prosecutors have policies against dropping charges. In some cases, they will only drop charges under exceptional circumstances, for example, if a victim is in danger.*[80]

Whether or not the decision to prosecute is discretionary or based on a mandatory prosecution policy, domestic violence offences should never be left to private prosecutions.

5. Protection of victims testifying

Victims are frequently at increased risk during the pre-trial period and are often under a great deal of stress.[81] The accused may have access to the victim and may use intimidation to discourage her from participating in the prosecution. It is therefore particularly important to reduce the pre-trial waiting period if at all possible. The sooner the trial, the better it is for the victim.

The evidentiary problems common in domestic violence cases often result in the need for victims to testify in court. This can create additional hardship for the victim.

Some countries have developed alternative strategies which seek to reduce this trauma. Many allow cases of domestic violence to proceed behind closed doors, away from the public. Increasingly, victims can submit written statements rather than appearing in court to testify.[82]

When victims either cannot or do not wish to testify, prosecutors may try to find corroborating evidence, or they may rely on the testimony of an expert witness. Doctors, or other practitioners, for example, who have worked with the victim and the family, may be able to present professional assessments to the court.

When victims must testify, however, there are ways to respect their need for protection and support. These strategies include:

- Providing victim advocates, who accompany victims to court and act as support persons
- Allowing victims to use separate waiting facilities to avoid pre-trial contact with the accused
- Preventing the publication of the names of victims and offenders or any other information that can lead to the identification of victims
- Establishing a cooling off period before a perpetrator will be released.

When an accused person is released before trial, a victim may need protection. In jurisdictions where bail is available, some practitioners believe that requiring the accused to appear in court before granting bail impresses upon the accused the gravity of his behaviour.[83] The judge can explain the seriousness of domestic violence and outline the consequences in case of a recurrence.[84]

Police-prosecutor cooperation is important when the release of the accused is being considered. There is a likelihood that the accused may again violate or harass the victim and practitioners must consider the victim's need for safety and her concerns about the conditions of release.

Where release is appropriate, it could include conditions:

- Limiting the accused's contact with the victim
- Requiring the accused to visit children only under supervised circumstances
- Restricting the use of alcohol
- Removing weapons from the household[85]
- Restricting the accused's movements in a certain area

- Guaranteeing the peaceful use of household property to the victim, regardless of title and right of possession.

Some jurisdictions issue protection or restriction orders when releasing the accused. Conditional release provisions may only help to protect victims if practitioners can enforce the conditions. Courts should ensure that victims receive copies of these orders. Police services responsible for enforcing orders also need this information.

Where release poses a serious threat to the victim, prosecutors may be able to request that the court set a high cash bail.[86]

6. Sentencing strategies to deter a perpetrator from repeating the offence

There are a range of sentencing options used in domestic violence cases, including conditional or suspended sentences, either with or without probation; community supervision; fines; community service work orders; and finally, imprisonment. In general, the courts have handed down less severe sentences in cases of domestic violence than for other violent crimes.[87] Courts usually order incarceration only in the most serious cases of domestic violence. It may be the only appropriate option where the offender is a threat to the safety of the victim or the community. When offenders have continued to threaten or use violence despite sanctions, the courts may have little choice. The existence of incarceration as a sentencing option helps create equivalency with other violent crimes.

The sentences given to offenders in domestic violence cases, however, may have a direct impact on the victims of the violence. Practitioners are now taking this aspect of domestic violence into account more often when recommending sentences. Incarceration may affect the victim by causing economic hardship. To help alleviate this problem, custodial sentences can be served on weekends or in the evenings. These sentences may allow offenders to keep working and providing financial support for dependent family members. It may be appropriate to combine this option with a restraining order and garnishment of wages to support the family.

Courts may also consider other methods of reducing the impact of sentencing on victims. For example, ordering financial support or compensation for victims may be appropriate. In other cases, victims may be able to obtain restitution for expenses incurred for lost income, medical or counselling fees and property damage.[88]

Courts may also include fines as part of sentencing. These monies can be used, for example, to fund domestic violence programmes and projects in the community.

Ideally, sentencing strategies should have the goals of holding offenders accountable for their actions; stopping violent behaviour; and reducing the impact of the sentence on victims and family members.[89] Such strategies should also promote sanctions which are comparable to those for other violent crimes.[90]

Regardless of their severity, enforcing the sanctions is critical. Enforcement demonstrates to offenders, victims and the community that society will not tolerate incidents of domestic violence and the violation of victims' rights.

Prosecutors have an important role to play in monitoring sentences and ensuring that improper sentences are appealed. A central follow-up system could be put in place to set appeal policies and collect sentencing information.

7. Treatment programmes

In some countries, domestic violence rehabilitation programmes are now available for incarcerated offenders. On a global scale, however, these programmes are the exception not the norm. Where they are available, courts may order offenders to participate. In some cases, victims may base their willingness to participate in prosecution on whether or not such options are available to help the offender. The rationale for court-mandated attendance in such programmes is that:

- Offenders do not usually participate voluntarily
- Completion of such programmes varies, depending on the offender's emotional response and motivation
- Compelling offenders to participate may involve them in programmes that can assist them to develop internal motivation
- Compulsory participation is a means of holding offenders accountable for their violent behaviour. If they do not comply, they face further legal consequences.[91]

The effectiveness of treatment and re-education programmes is still under review. Further research is required to identify the elements of effective programmes. Offenders may require other types of intervention before they enter programmes designed to combat violent behaviour. For example, treatment plans submitted as part of sentencing recommendations may need to first require the offender to participate in drug or alcohol abuse programmes.[92]

8. Alternate measures to prosecution

Some jurisdictions provide for alternative measures instead of criminal prosecutions. The use of alternatives to criminal justice processing may be most useful when stiff penalties are available should these strategies fail. There are many serious concerns about the suitability of these strategies in domestic violence cases.[93]

Diversion schemes are also controversial because they may suggest that the community does not view domestic violence as seriously as other violent crimes. Diversion schemes may be either an alternative to prosecution or they may divert the accused at some point before the trial begins. If a community chooses to support diversion, it should be used in other cases as well as domestic violence ones. Diversion strategies include the following:

- Where there is insufficient evidence for an arrest, police may choose to avoid arrest and refer perpetrators to treatment programmes[94]
- Prosecutors may arrange to drop charges if the accused agrees to participate in a programme of counselling or therapy (or a process of mediation with the victim)
- Prosecutors may refer domestic violence cases to a family or civil court to be dealt with under civil rather than criminal law.

The use of diversion schemes gives offenders an alternative to a criminal record.[95] In some jurisdictions, first-time offenders, for example, may enter into contracts with the prosecutor's office to enter treatment.

9. *Mediation*

Alternative dispute resolution mechanisms may offer flexible solutions to matters needing resolution. However, in domestic violence cases, there is an imbalance of power between the victim and the accused, making mediation problematic. Critics of mediation say it is inappropriate in cases of domestic violence because:[96]

- Mediation, rather than criminal prosecution, suggests that domestic violence is not a crime or is a less serious crime
- The process does not ensure that the accused takes responsibility for the violence (and victims run the risk of repeated violence)
- Mediation may require victims to change their behaviour, implying that they share responsibility for the violence and making them responsible for stopping a man's violent behaviour
- The implied equality of offender and victim is not appropriate; by virtue of the act of violence, the victim has been treated unequally. Victims may not be able to advocate for themselves
- Mediation cannot determine the facts of the case
- Mediation is not always confidential and disclosures may be used in court
- Police cannot enforce mediation agreements.

Those who advocate mediation in domestic violence cases argue that it can deal with a wide range of problems and can focus on the continuation of the relationship. The goal of mediation is to stop the violence. Mediation may be suitable in situations where the victim's injuries are minor; where the accused does not repeat the violent behaviour (it may be a one-time only incident); and where the violence represents only one of the problems in a relationship. If victims can bring support persons to mediation sessions, it may help make the equality of the partners relatively similar.[97]

Mediation may be most useful in situations where there is no further violence and the accused acknowledges responsibility for the violent behaviour. In this situation, mediation can help the participants heal. The consent of the victim is essential, but the difficulty is in knowing if there is real consent. In all cases, the fact of violence should never be up for discussion in mediation.

10. Community-based strategies

In countries where the police response to domestic violence is perceived as insensitive or inadequate, community-based strategies may be used to try to protect victims of domestic violence. In many countries, community-based intervention may be the only means of addressing domestic violence. Often, these strategies seek to prevent further violence by "shaming" perpetrators publicly.

Examples of community-based strategies include Peruvian mutual defence groups and Chinese "habitant" groups.[98]

In multicultural societies, some victims are reluctant to rely on police intervention. Due to systemic discrimination and overt racism within criminal justice systems, non-dominant groups do not trust the system. In North America, for example, police have used violence against members of minority groups. In other countries, police have used tribal feuding in the same way. Victims who are members of these groups may fear the consequences of police involvement, including the potential for police to use undue force against perpetrators.

Community intervention strategies may offer alternatives to criminal justice strategies. In some cases, members of non-dominant groups rely on community intervention strategies primarily.

Aboriginal women in Canada, for example, may turn to elders in the community for mediation or conciliation. They rely on police intervention only when community-based alternatives are not available.[99]

E. Gun control

Gun control is an important matter requiring legal reform as there is a strong correlation between gun ownership and the use of a gun to murder a known victim.

In Canada, changes to the Criminal Code *in 1992 allow the police to seize firearms when they are investigating a case of domestic violence if they have reasonable grounds to believe that people are at risk.*

In Australia, new legislation is being introduced to allow automatically the police to confiscate firearms and other dangerous weapons at the time a protection order is issued.

IV. Working together

A. An interdisciplinary approach is required to solve the problem of domestic violence

Domestic violence is a complex problem requiring the combined and coordinated efforts of people from different professional backgrounds and the community. In all countries, domestic violence is deeply woven into the social fabric. Although resources are important, they are not the entire solution. In the developed world, the existence of large social service and law enforcement systems does not guarantee an adequate response to domestic violence.* In the developing world, the scarcity of resources further underscores the need to work together.

An interdisciplinary approach involves practitioners from all disciplines in problem-solving and solution-building. Essentially, it includes almost any means - formal or informal - of assisting practitioners to work together to improve responses to domestic violence. To coordinate service delivery and avoid overlaps and gaps, practitioners and community members are working together:

- To recognize the complexity of the problem and its consequences
- To learn more about other services and available resources
- To increase the cost-effectiveness of service delivery
- To support one another
- To meet the wide variety of victims' needs
- To find ways of working together, where possible.

Working together can be a challenge for people from different agencies with different training and different approaches to problem-solving. The advantages include:

- An increased understanding of the dynamics of domestic violence

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*For example, with respect to child abuse, United States estimates suggest that in from 30 to 50 per cent of cases where children died as a result of suspected abuse and neglect, law enforcement or child protection agencies had already had some contact with the families. See D. J. Besharov, *Combating Child Abuse: Guidelines for Cooperation between Law Enforcement and Child Protection Agencies* (Washington, D.C., American Enterprise Institute for Public Policy Research, 1990).

- More cases reported and more offenders held accountable
- Additional support for practitioners and improved morale
- More sensitive, effective and coordinated services for victims
- Improved needs assessments, planning and referrals
- Increased advocacy for victims
- Improved education of offenders
- More effective government consultation
- Greater understanding among service providers.[100]

Practitioners have some important and difficult issues to resolve. Differences in philosophy and training may present obstacles. Practitioners may also have to overcome a tendency to view a problem only from the perspective of their own field or experience. Other obstacles may include:

- Resistance to a cooperative approach because it appears to challenge existing organizational structures and hierarchies
- Heavy workloads and a lack of support for practitioners
- Attitudes which deny the existence of the problem and make people resist cooperation
- Lack of understanding of the problem
- Lack of resources[101]
- Inter-agency competition for limited funding which undermines efforts to work together.

The process of developing mutual understanding and building cooperation takes time. It requires a willingness to value the status and contribution of each discipline. It also requires patience and trust.

As a starting point, all practitioners dealing with domestic violence could agree on these objectives:

- To prevent and respond to all forms of domestic violence
- To protect victims from further harm and provide them with assistance

- To hold offenders accountable and provide them with opportunities for re-education and treatment.[102]

Practitioners in many disciplines are dealing with increasing numbers of victims, secondary victims and perpetrators. The practitioners generally work in the following areas:

- Education
- Religious organizations
- Criminal justice systems
- Social services
- Housing agencies
- Health/medical services
- Community agencies and organizations
- Legal aid
- Community advocacy groups
- Women's groups
- Shelters and refuges for battered women.

The impetus for developing coordinated responses may come from any of these groups. Community advocacy groups and women's groups have played an important role in developing many of the formalized responses now in place. Practitioners within systems may also look for opportunities to work together to streamline responses. In addition, professional associations, non-governmental organizations or various levels of government may coordinate the responses of members and personnel.

B. Improved coordination is required

The first step to improved coordination with other agencies is for an agency to improve coordination of its own activities. An agency can make a statement on its overall goals and set out its commitment to coordinated and cooperative efforts on domestic violence matters. It can also conduct an internal review of its policies and practices to identify opportunities for improved understanding and coordination. It can plan and implement strategies to improve internal coordination.

> *For instance, the Correctional Service of Canada has overall responsibility for Canada's federal prisons and parole system. It has identified family violence as an*

important issue with broad implications for the policies and operations of its services. The agency has developed a resource handbook for staff to educate them on the dynamics of family violence.[103] *The handbook's purpose is to help staff better understand and work with offenders affected by family violence. The handbook offers information about the problem of domestic violence, including its extent, sources, dynamics and relevance to the work of correctional staff. It also profiles abusers and identifies indicators of family violence. It discusses the needs of abusers, other family members and practitioners who work with abusers. Finally, it provides information on treatment resources available in institutions and in the community.*

Some professional associations are focusing attention on the need for coordinated and coherent responses to domestic violence by developing standardized guidelines and procedures for use within their specific professional group. These protocols promote a unified response between practitioners and encourage an attitude of cooperation and collaboration among professionals.

Some Canadian examples are as follows: Domestic Violence Protocol Manual for Social Workers in Health Facilities, *published by the Canadian Association of Social Work Administrators in Health Facilities;*[104] *"Emergency department protocol for wife assault", published by the Ontario Medical Association Committee on Wife Assault;*[105] *and* Guidelines for Standards and Health Care Related to Abuse, Assault, Neglect, and Family Violence, *published by Health and Welfare Canada.*[106]

In addition to internal publications and protocols, there is also a need to provide general information for all practitioners who deal with domestic violence. Such resources should recognize that these practitioners need access to a wide variety of information. This is particularly important given the diverse needs of victims and their family members.

For instance, in Kentish Town, London, United Kingdom, practitioners put together the Domestic Violence Fact Pack *in consultation with more than 200 local women, professionals and staff. The booklet provides guidance and information on every issue met by women dealing with domestic violence. It is useful to both victims and to practitioners who need to be familiar with domestic violence issues and the local realities surrounding the problem.*[107]

And in Zimbabwe, a manual has been prepared for police, doctors, social workers, therapists, teachers, ministers of religion and others who may come in contact with sexual and domestic violence.[108]

1. Community-based groups

Community advocacy groups, and particularly the battered women's movement, have played an important role in pointing out problems with services and developing practical solutions.

In Canada, for example, workers in shelters for battered women identified the need for coordinated services. Their efforts resulted in extensive government support and endorsement for community-based coordinating committees.[109] *Many communities in Canada now have some form of inter-agency coordinating committee. Committee members share information and ensure that the operating procedures and regulations of local agencies are compatible. In addition, some coordinating committees have moved beyond information-sharing to develop integrated protocols.*[110]

In some countries, systems do not yet recognize or respond to the problem of domestic violence. In these countries, the importance of collaboration at the community level is crucial. Often, the most important resource available is the mutual support and cooperation of community members who work together to confront domestic violence. Community members try to respond to the needs of victims in both the short and long term.

In Santiago, Chile, for example La Morada-Casa de la Mujer is a community-based group doing research on domestic violence in several communities. The group intends to train women who are community activists, or who have experienced domestic violence, to develop strategies for dealing with domestic violence in collaboration with other community members.[111]

The Belize Women against Violence Movement[112] *continues actively campaigning against various forms of violence.*

The Musasa Project in Zimbabwe offers support and counselling to battered women and rape victims. The project provides direct services for victims as well as strategies aimed at prevention and public education.[113]

In Bangladesh, Proshika is a non-governmental organization involved in organizing rural women to resist violence and other forms of oppression. Women who experience violence because of dowry demands can take action with the assistance and support of other members of the group.[114]

And in El Salvador, La Clínica Integral de la Mujer de CONAMUS is a clinic which offers legal, medical and psychological assistance to battered and raped women. It also trains them to organize in their own communities against violence against women.

2. *Inter-agency groups*

Inter-agency groups coordinate efforts by sharing information. They may also run joint service programmes. Some inter-agency groups operate specific projects and programmes and take responsibility for providing services to victims and offenders.

In the United States, an independent coordinating body with representatives from several community agencies operates the Domestic Abuse Intervention Project in Duluth, Minnesota.

In 1990, the Plural Committee for Victims was formed in Mexico City to find improved strategies to confront violence against women. It is an inter-agency coordinating committee which also includes female senators, journalists and academics. The Committee drafted the new sexual crimes legislation and promoted the creation of special units and crises centres for domestic violence. It was behind the campaign to end violence against women. It now supervises government-funded victim services.

In the Netherlands, the Foundation to Combat Sexual Violence supervises cooperative links between agencies and police and has developed guidelines for providing effective care and support for victims.[115]

In Finland, the Consultative Committee on Sexual Equality set up a special section to study physical and sexual violence against women and to prepare proposals for the prevention of violence against women. The section was called the Section on Violence against Women. The Section quickly discovered that one of its most important functions is to make the problem of violence known.

3. *Government action*

Governments may also take steps to encourage more coordinated action on domestic violence. In an increasing number of countries, there is pressure to develop integrated and effective responses to domestic violence. This pressure has motivated government agencies to become involved in efforts to improve the coordination of services.

Australia has set up a National Committee on Violence against Women. Some Australian states are developing strategic plans which will focus on the improved coordination of services and strategies to deal with domestic violence.*[116]

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*The terms of reference of the National Committee on Violence against Women include: enabling State, Territory and Federal Governments to share experiences and policy responses on violence against women; assisting the coordination and development of policy, programmes and legislation and law enforcement on a national basis; guiding and formulating and/or commissioning research required for effective policy-making and furthering community awareness; conducting further community education on a national scale and facilitating the coordination of community education at the national level; seeking to empower women through greater access to information, resources and services; monitoring and facilitating the implementation of appropriate recommendations of the National Committee on Violence as they affect women; ensuring consultation with community members and groups, paying particular attention to women with special needs, including Aboriginal and Torres Strait Island women, women from non-English speaking backgrounds, rural and isolated women, women with disabilities, young women, older women, adult incest survivors and workers, and those who have suffered violence. See Department of the Prime Minister and Cabinet, Office of the Status of Women, National Committee on Violence against Women, position paper (Canberra, Australian Government Publishing Service, 1991), pp. 17-18.

In several American states, government task forces have examined the problem of domestic violence and offered recommendations for improving system responses. For example, New York State set up a multi-disciplinary task force to study the adequacy of laws and the current system of responses to victims of rape, sexual assault and child abuse. The task force deliberations resulted in a series of recommendations for action.[117]

At the national level, the Canadian Government has established a National Initiative on Family Violence. An Interdepartmental Steering Committee, including representatives from 14 federal departments/agencies, is responsible for it. The programme addresses the need for coordination explicitly. It also emphasizes the need to find cost-effective and efficient strategies for distributing resources.[118] *At the provincial and territorial level in Canada, provinces, such as New Brunswick, have developed province-wide interdisciplinary protocols for handling domestic violence.**

Regional governments in Belgium are establishing networks of cooperation among social service and law enforcement agencies.

In France, the Junior Minister for Women's Rights is setting up departmental committees to encourage cooperation among practitioners working with victims of domestic violence.[119]

Governments are also trying to support the development of integrated responses at the community level.

In Alberta, Canada, the government produced a resource booklet entitled "Breaking the pattern: how Alberta communities can help", which provides information on community-based strategies for confronting and combating domestic violence at the local level.[120]

In Costa Rica, the feminist organization CEFEMINA and the government Centre for the Development of Women started Mujer no estas solo (Woman, you are not alone) which is a programme that offers legal, medical and psychological assistance to battered women; provides women with a place to go and talk to other survivors of domestic violence; refers women who wish it to a special centre for incest survivors; operates a telephone hot line; publishes a newspaper with information about where to find help; and facilitates self-help groups for battered women.

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*The Interdepartmental Committee on Family Violence produced *Woman Abuse Protocols*. The document offers information about the myths and facts related to woman abuse; the criminal and civil law dealing with the problem; general indicators of woman abuse; and, intervention guidelines for practitioners - social workers, mental health workers, public health workers, emergency department personnel, justice system personnel, income assistance workers and school personnel. See Government of New Brunswick, Interdepartmental Committee on Family Violence, *Woman Abuse Protocols* (New Brunswick, 1990).

In the United States, the State of New Jersey has published Domestic Violence: A Guide for Health Care Professionals *as part of its Domestic Violence Prevention Program. The guide describes the roles professionals from a variety of disciplines should play in domestic violence situations.**

With the support of government funding, community-based services can operate in conjunction with, or as an alternative to, government-directed services. Governments can consult directly with community members to determine their needs. Allocating funds to appropriate agencies can result in specialized services. These services may be particularly important in multicultural societies where victims are from diverse ethnocultural groups.

For instance, a community-based treatment programme for batterers in Vancouver, British Columbia, Canada, is funded by the Government. The programme is in the first languages of several South Asian immigrant groups in the city.

4. Victim involvement

One of the keys to the effectiveness of the work of the battered women's movement has been the involvement of victims in developing coordinated responses to domestic violence.

Victim input is especially critical in meeting the needs of particular groups of women, for example, those who are isolated, aged, disabled or disadvantaged. Practitioners working with these women need special training and qualifications to provide appropriate services. Victim input can provide perspectives which enable practitioners to make existing facilities more accessible to all women.[121] For instance, the Disabled Women's Network Canada has developed a manual to sensitize transition house workers to the needs of women and children with disabilities.[122]

5. Working together

The move to work together may be started by activists, organizations, specific professional groups, other categories of concerned practitioners, community members or government agencies. In whatever way it begins, the main strategies generally are:

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*The guide contains the "Domestic violence: identification, treatment and referral of adult victims: model protocol". The Model Protocol provides guidelines for identifying adult victims of domestic violence as well as victims of elder abuse. It describes the roles and responsibilities of all hospital staff for treating and referring victims, including: emergency department nurses, doctors, secretarial staff, social service department staff, other nursing unit staff and security department personnel. In addition, it outlines the role of law enforcement personnel and public health nurses. The publication also contains a model curriculum for training health care professionals in the identification, treatment and referral of adult victims. See State of New Jersey, Department of Community Affairs, Division on Women, Domestic Violence Prevention Program, *Domestic Violence: A Guide for Health Care Professionals* (Trenton, New Jersey, 1991).

- To provide support for victims
- To establish inter-agency teams and committees
- To develop policies and protocols, which govern, for example, reporting or investigation
- To train practitioners
- To develop public education programmes for special audiences or the public generally[123]
- To establish programmes for abusers which are not at the expense of services for women.

Inter-agency and/or intersectoral committees serve, primarily, as mechanisms for communication, allowing representatives of various agencies to work together to develop mutual understanding. They provide support for the implementation of cooperative practices and may also play an advisory role, providing support and consultation to the practitioners participating in interdisciplinary response teams. In some cases, coordinating committees offer a structure within which practitioners can air conflicts and resolve tensions.

V. Responding to victims

The safety and well-being of victims are of the utmost importance. There is growing concern for victims at both national and international levels. In 1985, the United Nations adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The principles in the Declaration include access to justice and fair treatment; restitution; compensation; and assistance. Practitioners can consult the United Nations guide for practitioners regarding the implementation of the Basic Principles of Justice for Victims of Crime and Abuse of Power (A/CONF.144/20, annex) for an outline of strategies relevant to victims of domestic violence.

The recognition and protection of victims' rights, needs and interests are most important. All strategies, including the application of legal sanctions and other measures, must take a woman's safety into account.

A. Responses of the justice system

Justice system responses must avoid further victimization of the victim and take into account her specific experience and her fears. Appropriate responses include:

- Defining the status and position of victims
- Increasing the level of protection offered by the system
- Facilitating victims' active participation and representation in the process.

Practitioners need to be aware of victims' needs for safety, security and a restored sense of well-being. Women who leave violent situations have a broad range of different needs, including housing, income, child care and emotional support.

Perpetrators may still have significant contact with victims. This creates the risk of retaliation or manipulation. The justice system can prevent further victimization by:

- Improving referrals
- Providing information to victims on the law, legal aid, emergency housing and telephone hot lines
- Providing victims with information on the status of the case and the whereabouts of the perpetrator (so that they can protect themselves and family members)
- Providing advocates for victims

- Making effective use of bail and protection orders
- Providing safe emergency housing for women
- Gathering evidence in a way respectful of a victim's situation
- Streamlining the legal process
- Altering specific courtroom practices
- Permitting victim input into the justice process
- Making it clear that the community does not accept violent behaviour
- Taking risk into account when considering sentencing and treatment options.

B. Responses of practitioners

Practitioners from all disciplines who are in contact with potential victims should be trained to recognize the signs of domestic violence. They also need to know the appropriate steps to take to respond to the problem. The first stage of practical intervention is recognizing that abuse is taking place. The next step is deciding on a course of action.

In practice, police officers are often the last resort for victims of domestic violence. There is usually a familiar pattern of help seeking. First, victims approach informal sources of support, such as family or friends. In some situations, women speak to women in women's groups. Then, women may go through more formal channels, for example, speaking to a priest, pastor or mullah. Then, a woman may seek help from nurses, doctors or social workers. The police may only become involved if the abuse is very serious and repeated.

Given this pattern, it is essential that people other than the police receive training so that they can be sensitive to a woman's needs and provide her with appropriate information.

Understanding the situation and feelings of victims of domestic violence can help practitioners to provide important support to them. Victims of domestic violence have been subjected to intimidation, whether by physical, emotional or verbal aggression. As a result, they may experience:

- Fear
- Extreme stress and trauma
- Damaged self-esteem

- Anxiety and depression
- Isolation and dependency
- Self-doubt and self-blame
- Uncertainty and ambivalence
- Guilt
- Impaired decision-making
- Feelings of hopelessness
- Feelings of powerlessness.

It is important to understand that victims of violence and abuse require practical and emotional support which will empower them.[124] The elements of an empowering intervention include:

(a) Material resources:

  - Housing and safe accommodation
  - Child care
  - Access to community services;

(b) Emotional support:

  - Counselling (short- and long-term)
  - Assertiveness training
  - Self-esteem and self-confidence building sessions
  - Parenting skills courses
  - Self-help/support groups;

(c) Advocacy and practical legal assistance regarding

  - Access to and custody of children
  - Property matters
  - Financial support

- Welfare benefits.

Practitioners should remember that when victims ask for help they often feel ashamed, humiliated, frightened and responsible for the violence. These women need counselling and support which will focus on building up their strengths. They may need reassurance that they are not alone, that many other women have gone through similar experiences, that what has happened is no reflection on them, and that, above all, the abuse is not their fault. It is essential to communicate to victims of domestic violence that they are in no way responsible for their husbands' violence.

Practitioners should encourage women to make their own decisions at their own pace. Safety is a priority. Practitioners can help a woman by offering her different options to consider. Practitioners should not impose their own values or decisions. They should not judge women for the decisions that they make.

If counsellors and other professionals believe that women contribute to the violence or imply that they somehow gain from it, this will perpetuate the abuse by masking the real issues with excuses. Practitioners must take special care not to blame the victim. For example, traditional psychoanalytic approaches often blame a woman either in her position as the wife of the perpetrator or in her role as the mother of a man who is a perpetrator. This approach focuses on the victim's personality and fails to address the perpetrator's violent behaviour.*

Victims often feel pressured to participate in marriage counselling or family therapy. Practitioners and victims need to be aware that focusing on the marriage or family may put the woman at risk of further violence. Another negative aspect of marriage counselling is that, subtly, the woman is held partly to blame for the violence. There may be a suggestion that she can stop the violence by changing her behaviour.

1. Emergency measures

Women need access to emergency services. These services include:

- Crisis intervention teams
- Crisis telephone lines
- Shelters or other emergency residential facilities
- Transportation networks

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*Traditional approaches to domestic violence are problematic. Victims are often blamed or implicated. A victim's personality is seen to be faulty. The victim's safety is not addressed as the primary concern. The origin of the problem is found in the individual or in the relationship. The violence is often constructed as a psychological problem, not a criminal one. The violence is not placed in a social context.

- Laws which allow either victims or perpetrators to be removed from the home.

Crisis intervention teams use specially trained personnel (including volunteers) to respond to domestic violence.*

Effective crisis intervention:

- Ensures a victim's safety
- Believes a victim's story. It is important to the empowerment and self-image of victims that practitioners believe them
- Provides appropriate referrals and support for victims.

Emergency telephone lines can provide emergency assistance and put people in touch with support services. Some crisis lines deal with a range of problems, including domestic violence.

For instance, in Canada, the Kid's Help Line encourages children (including victims of domestic violence) to call for help. In its first three months of operation (May to July 1989), operators received 15,500 calls about a range of concerns.[125] *A similar service is available in the United Kingdom. Other crisis lines, including those run by women's shelters, only respond to calls from victims of domestic violence.*

Crisis lines for abused women exist in many places, including Austria, Belgium, Costa Rica, Croatia, Fiji, France, Norway, and Malaysia.[126] *Others respond to former or potential perpetrators and may help to prevent violence and link these individuals to other services.*[127]

For instance, one programme in the United States encourages perpetrators to stop their violence by offering them a crisis telephone service. Operators refer batterers to local support services. However, only a few batterers have used this service to ask for help.[128]

In places where emergency telephone lines are not available, victims may rely on informal or community-based networks to provide emergency assistance.[129]

For example, in Lima, Peru, women carry whistles. If they are being beaten, they blow the whistle and others come to their aid.

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*The Elder Assessment Team at Boston's Beth Israel Hospital is a multidisciplinary team trained to identify, assess and respond to cases when elderly persons are suspected victims of abuse. See Beth Israel Hospital Assessment Team, "Elder abuse: an assessment team", in *Abuse of the Elderly: Issues and Annotated Bibliography*, B. Schlesinger and R. Schlesinger, eds. (Toronto, University of Toronto Press, 1988), pp. 57-58.

Even in countries where established services exist, grassroots responses to violence still occur.

> *Women in some English communities follow the historical custom of banging pots and pans outside a home when a beating is going on to indicate their displeasure to the perpetrator.*[129]

In an emergency, women and their children need a safe place to stay. In some countries, there are both government-operated or government supported private emergency shelters* which provide accommodation to battered women and their children.**

> *The first shelter opened in London, England, in 1971. Since that time, Chiswick Family Rescue has continued to be a model for refuges around the world. Chiswick provides a 24-hour crisis line, emergency shelter for up to 25 women and 60 children, a play-centre for pre-school children, counselling, follow-up support services and access to information and community resources.*[130]

> *Shelters in Britain serve several thousands of women and children each year. Shelters are now found in countries as diverse as Canada, Egypt, Fiji, France, Israel, Italy, Malaysia and Zimbabwe.*

> *In Finland, safe houses are available to shelter women, children and men of all ages.*[131]

In countries where emergency facilities are not available, women frequently rely on informal networks. They may turn to friends, members of their extended family or women's groups for temporary shelter and safety. Or they may seek safe haven in religious establishments.

> *In Canada, networks of volunteers have tried to establish transportation services to help women who live in rural or isolated communities to reach safe shelter. Such networks, however, are proving somewhat difficult to maintain.*[132]

Shelters can provide more than just a safe place to stay in an emergency. Battered women may receive supportive counselling through either shelters or centres that offer support and information services to women. The goal is to help women gain self-assurance and skills to become independent. Supportive counselling can help women make informed decisions about their futures. This may include planning on how to live after separation or divorce. It can also prepare women for training and help them to make use of other practical support programmes.

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*The terms "refuges" and "shelters" refer to places where women who are escaping violence can get emergency accommodation, support and counselling. Shelters are run by paid staff or by volunteers. In some places, temporary shelter is available in private homes, "safe houses", in the community.

**For guidelines on setting up shelters see Commonwealth Secretariat, *Confronting Violence: A Manual for Commonwealth Action* (London, 1992).

In addition, victims may join self-help support groups offered through shelters and other community services. These groups focus on the development of confidence, independence and feelings of self-esteem. They provide women with a supportive framework within which to express feelings and explore options.

Shelters may also offer advocacy for victims. Advocacy has both emotional and practical goals:

- To provide information
- To provide support
- To provide self-awareness training
- To go with victims to service agencies (and possibly to court)
- To intervene on behalf of victims.[133]

There is a constant shortage of space at shelters, with more demands for space than available places. Most shelters rely heavily on volunteer work and there is an urgent need for governments to provide adequate funding for staff and facilities.

Although shelters provide women with a safe place to go in an emergency, there is controversy about a strategy which requires the woman to leave her home. She may experience trauma from having to move and possible rejection by other family members.[134] If she has children, they may be upset living in new surroundings in a new neighbourhood.

Removing the perpetrator to involuntary hospitalization or incarceration may offer immediate respite for the family. This strategy, however, may result in retaliation towards the victim as well as economic hardship for the family.[135] Removal of the perpetrator from the home might also conflict with local law. Governments need to ensure that the legal framework and provisions to deal with domestic violence reflect an appropriate balance between the need to protect victims (and deter perpetrators) and the protection of the rights of the perpetrator. This may mean changing the law.

> *For example, the Canadian Government has announced it will consider legislation on the forcible removal of perpetrators from the home.*[118]

2. *Beyond short-term emergency measures*

While shelters provide a safe place in the short-term and in an emergency, there is a need for second-term or long-term housing.

> *Some communities in Canada and Scotland provide long-term housing for women who have left violent homes. This housing gives them a chance to live in a supportive and partially subsidized environment for several months.*

Victims often need other help beyond short-term crisis housing. They often need emotional and practical support. If they try to leave violent situations and become independent, they may need:

- Emergency housing (refuge/shelter)
- Women's centre support
- Child care
- Housing
- Financial support
- Long-term medical care
- Therapy/counselling
- Therapy for their children
- Social/emotional support
- Employment
- Legal aid
- Opportunities for education and training.[136]

C. Children as victims of wife assault

Women who are abused by their husbands are not the only victims of this crime. Children who witness domestic violence in their homes are secondary victims. Some research shows that the impact of the violence on these children may be extensive. These studies suggest that children may experience a range of developmental disturbances which manifest themselves in behavioural, emotional and cognitive adjustment problems.[137] Much more research is necessary before the long-term effects of domestic violence on children are known.

When a mother leaves a violent situation, she is protecting her children from living with the violence. Nevertheless, leaving may be difficult for children. They may have to leave a familiar school and neighbourhood. They may feel confused and angry about the change in relationship between their mother and father. The family may suffer economic hardship and social stigma. Children may need special support.

> *Some shelters in Canada, for instance, now provide follow-up services for children and teenagers after they leave the shelter with their mothers.*[138] *There*

> *are group counselling programmes for school-age children (8-13 years old) which allow them to express their feelings and explore ways of surviving.*[139]

Victims, shelter workers, activists, women's groups and community organizations all can contribute their knowledge to research and to developing the best responses in every situation. Victims should be included in any assessment of existing services and should have a role to play in the creation of new programmes.[140]

VI. Working with perpetrators

The rights of a person accused of a crime are set out in international instruments. An accused is entitled to be treated fairly and without discrimination. He or she is entitled to due process. He or she cannot be treated in a cruel, inhuman or degrading way. The rights of a person accused of domestic violence must be protected throughout the justice process, which can include investigation, arrest, detention, trial, sentencing and incarceration. However, male violence against women is an abuse of power. Justice strategies, therefore, must balance a victim's right to freedom from violence with a perpetrator's rights.

Male violence needs to be understood in its entire social context, rather than analysed as an individual issue. It is a product of social and cultural life and of traditions, habits and beliefs about the relations between men and women. It involves abuses of power and control. Strategies to end male violence against women should recognize the factors that cause it.

A. Treatment programmes

A variety of settings - mental health facilities, prisons, social service agencies, shelters - offer treatment programmes for batterers. In some countries, there is increasing cooperation between the criminal justice system and other agencies, particularly with respect to sentencing.[141]

Some programmes focus on self-awareness. Perpetrators learn to recognize the thoughts and feelings that they have in the moments leading up to violence so that they can walk away before they act violently.

> *The Correctional Service of Canada offers a programme called Living Without Violence to inmates in federal penitentiaries. The programme covers wife abuse, child abuse and elder abuse. It seeks to enable participants:*
>
> *To challenge societal beliefs and personal feelings about family relationships*
>
> *To increase general and personal awareness of the underlying basis of abusive behaviour*
>
> *To develop alternatives to abusive control and behaviour.*[142]

Other programmes teach perpetrators skills in such things as:

- Conflict resolution
- Non-violent problem solving
- Assertiveness training
- Coping and relaxation
- Anger management.

Although there is a variety of programmes,* few studies have evaluated their short- and long-term effects. There is considerable controversy about the goals of treatment and the expectation that programmes can reduce the abuse of women. Some research shows that current programmes are not effective in ending violence and protecting victims.[143] Other studies suggest that unless issues of power and control are dealt with, men may learn to stop hitting and will substitute other less overt means to continue to control and violate women.[144]

The intervention programmes which appear to hold the most promise are those which have the following characteristics:

- Well-defined goals and a clear structure
- Thorough assessments of both the perpetrator and the context of abuse (for example, the perpetrator's need for other forms of therapy or assistance for related problems, such as substance abuse)
- Sound admission criteria
- An emphasis on perpetrator motivation, commitment and accountability in dealing with the violence and in participating in the programme[145]
- An evaluation of the treatment after it is completed.

1. Victim safety

Practitioners must take steps to protect the victim from any harm that could occur during or after the perpetrator's participation in a treatment programme. Strategies to protect victims include:

- Linking programmes to the justice system so that there are sanctions if the perpetrator is violent again

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*Guides are available to assist practitioners who are devising programmes. See, for example, D. Currie, *The Abusive Husband: An Approach to Intervention* (Toronto, Clarke Institute of Psychiatry, 1988).

- Establishing policies to protect confidentiality
- Monitoring the risk of further violence directed at the victim throughout the treatment process.[146]

2. Responsibility of perpetrators

Treatment will only be effective if perpetrators take responsibility for their actions. Those perpetrators with the motivation to change their attitudes and behaviour may be more successful in treatment. If perpetrators participate in treatment programmes only to avoid prosecution or incarceration, treatment may not be effective.

However, court-ordered programmes guarantee perpetrator participation. This is particularly important for most men who do not see the need to stop their violence. Requiring them to participate in a programme ensures that they will be exposed to different attitudes and different forms of behaviour.[147]

B. Education programmes and resources

Education programmes view the central task as challenging the values, attitudes and behaviours which contribute to, or result in, violence against women. Feminist re-education programmes for male batterers focus on the abuse of power and control in domestic violence. The safety of victims is of primary concern. Some examples are noted below.

> *The Domestic Abuse Intervention Program (DAIP) in Duluth, Minnesota, United States, was one of the first of these programmes. DAIP offers a curriculum which addresses a continuum of male violence against women. Its context is the control men exercise over women's lives.*[148]
>
> *The Emerge Program in the United States is an 8-12 month programme, which combines education and counselling and is based on a premise similar to DAIP. Practitioners challenge perpetrators to change their attitudes towards women. They are encouraged to stop trying to control their wives through violence.*[149]
>
> *New Directions is a Canadian programme which explicitly questions an abuser's strategies of control and domination. It is designed to challenge and change the perpetrator's thinking patterns and behaviours which result in, or contribute to, violence against his wife.*[150]
>
> *CHANGE is a multi-agency Scottish re-education programme for men, linked to the criminal justice system. The programme has two goals: re-educating abusers and educating professionals and the wider community about domestic violence. The CHANGE programme complements Women's Aid services which provide assistance to battered women. The underlying premise of the CHANGE programme is that men's violence towards women is intentional and stems from*

*gender inequalities historically rooted in patriarchy. The programme aims to increase men's understanding of their violence against women and confront their violent behaviour. It also teaches skills in cooperation, negotiation, assertiveness and empathy.**

Group counselling is a common aspect of treatment for men who batter their wives. The group setting encourages men to share, trust and rely on one another. The group may, therefore, model an alternative masculine approach for its participants.[151]

Most treatment groups confront the beliefs and attitudes held by perpetrators. These attitudes include patterns of denial, justification and blaming, as well as negative beliefs about women and relationships.[152]

There are a variety of resources available to assist practitioners and group participants, including the following:

> Learning to Live without Violence: A Handbook for Men, *by Daniel Jay Sonkin and Michael Durphy, a workbook for men who are either violent or are afraid of becoming violent. The authors based the content and the exercises on six years' experience in working with men in groups. The workbook focuses on anger management, communication, education about sex role attitudes, power and control in relationships and self-esteem building. It provides tools and exercises which teach steps to follow to prevent or end violence. The authors note that, although men can use the workbook on their own, it should accompany rather than replace counselling.*[153]
>
> *The Domestic Abuse Project in Minneapolis, Minnesota, United States, also has a treatment handbook available.*[154]
>
> Invitations to Responsibility *by Alan Jenkins is an extremely useful text for people working with perpetrators. The author discusses how to involve violent and abusive men in therapy. He sees male violence in its entire social context and examines the values, traditions, habits and beliefs that contribute to an inappropriate male sense of superiority.*[155]

Self-help groups for violent men are often similar to self-help groups for substance abusers. They encourage perpetrators to take responsibility for their violent acts. These groups can provide long-term support for perpetrators and their families after formal treatment programmes have ended.[156]

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*The Institute for the Study of Violence at Stirling University, Scotland, is conducting an independent evaluation of the programme.

VII. Training practitioners

Adequate training is the key to developing effective responses to domestic violence. Practitioners need to be alert to the realities of domestic violence and aware of strategies for meeting the needs of both victims and perpetrators. Otherwise, the problem will continue to remain largely hidden.

In the short-term, good training means that practitioners can give victims, who ask for help or who come to their attention, appropriate assistance. In the long-term, the effective work of properly trained practitioners may encourage more victims and perpetrators to seek assistance.

Practitioners from many disciplines are responding to the problem of domestic violence in either a professional or volunteer capacity. Some have worked in the area for years. Others have more limited experience. For some, this is a new and unfamiliar area. High quality training programmes can help to standardize the general level of knowledge.

The overall goal of training is to improve the response of all practitioners to domestic violence. There are three general goals which work together to improve the response of all practitioners to domestic violence. These are:

- To improve awareness and understanding of the problem
- To develop high levels of sensitivity, skills and expertise
- To strengthen the interdisciplinary response to the problem.

With respect to the third goal, training in developing an effective interdisciplinary response can include training:

- To recognize signs of domestic violence
- To improve overall understanding of the problem
- To offer specific solutions to management and communication concerns that emerge in the process of developing intersystem cooperation
- To sensitize practitioners to the needs of others in the field
- To sensitize practitioners to the needs of victims, particularly those with special needs
- To sensitize practitioners to the need for an integrated approach.

For example, the Australian National Committee on Violence against Women (NCVAW) has a research project on education and training as it relates to violence against women. NCVAW is studying the training of people from a variety of disciplines - police, health professionals, counsellors, mediators, trainers and the legal profession - to see how it measures up to the philosophy of NCVAW. That photocopy is stated in a NCVAW Position Paper as follows: "Violence should be understood in an entire social context rather than analysed individualistically; violence relates to an inequality of power and status; nothing justifies the use of violence; individuals are solely responsible for acts of violence they perpetrate; individuals are not responsible for the construction of social values and structures, for the social construction of masculinity or for the history of women's subordinate status, all of which provide the context in which violence occurs; violence against women needs to be dealt with as a crime."

For the kids: Investigating Child Sexual Abuse (Calgary, Alberta, Canada) is a training programme aimed at improving the responses of police, social workers and other professionals. The programme focuses on strategies for working together effectively. The core content deals with obstacles to working together, including stereotyping. In addition, it examines the advantages and disadvantages of joint investigations.[157]

Practitioners at every level of a service need basic training. The kind of training will depend on their experience and their responsibilities within a service. Basic training should include:

- How to deal with all practical matters related to a domestic violence case
- How to provide respectful and appropriate support for victims
- How to ensure victim safety
- How to work with perpetrators.

A. When should training begin

At some point in their careers, people in the health, education, social services and justice systems will surely be in contact with someone involved in a domestic violence situation.

1. Pre-service education

Education programmes should include training in domestic violence issues and procedures so that their graduates have a basic level of knowledge before beginning their professional careers:

Profession	*Schooling*
Health professions: medical and nursing staff and mental health workers	Medical school, nurses' training, apprenticeship programmes
Education field	Teacher's college, early childhood education programmes
Social workers	General training programmes
Legal professions	Law schools, judges' training
Law enforcement	Police training academies
Correctional staff, including staff at institutions and probation and parole officers	College programmes, pre-job training
Community and volunteer workers	Pre-job training

Domestic violence training helps practitioners prepare for the demands of their professional careers by:

- Developing awareness of the scope and nature of problem
- Encouraging an exploration of professional responsibilities with respect to the problem
- Providing practitioners with the specific skills necessary for them to deal with domestic violence in their professional capacity
- Preparing practitioners for the increasingly interdisciplinary nature of effective responses to the problem
- Promoting the benefits of sharing perspectives and working together towards solutions, rather than encouraging rivalries and competition.

There is only a limited number of professional training curricula on domestic violence. Three examples are given below.

> *The Commonwealth Secretariat has produced* Violence against Women: Curriculum Materials for Legal Studies. *It is a teaching resource for use in law faculties throughout the Commonwealth. The publication contains two seminar packages based on comparative legislative and case-law material, which teachers in different jurisdictions can supplement with appropriate local examples. Although the main focus is on pertinent legal issues, background information on the problem is an integral part of the seminars. The seminars raise specific issues about the role*

of both the legal system and its relationship with other sectors. Topics include: the lawyer-client relationship; preparing for court; matters of evidence; counselling and therapy programmes; police investigations; trial procedures; and, sentencing and rehabilitation.[158]

The University of Buenos Aires began offering the first specialized post-graduate training programme in family violence in 1989. The programme focuses on an interdisciplinary approach to the problem. Students in the programme include psychologists, social workers and lawyers. The objectives of the programme include: to encourage researchers, teachers and professionals to specialize in the field of family violence; to train professionals for interdisciplinary work in dealing with and preventing family violence; to promote research in the field of family violence; to help train consultants to assist in the planning and formulation of prevention policies; to foster cooperation between the University and the public and private, national and international organizations devoted to research and prevention in the area of family violence; to contribute to the dissemination of scientific knowledge on family violence, in order to dispel the many myths and prejudices in wide circulation.[159]

A course on violence against women was offered by the Confederation of Central American Universities Women Studies Programme at the University of Costa Rica in 1990. A similar programme ran later at the University of El Salvador. Both programmes have similar objectives to the programme at the University of Buenos Aires.

2. *In-service training*

Practitioners need ongoing training throughout their working lives. Changes to legislation and procedures have an impact on their work. In-service staff training and professional development can ensure that practitioners have up-to-date information on domestic violence.

Skills training can help practitioners fulfil their professional responsibilities. Practitioners may require training specific to their own discipline, as well as interdisciplinary training which brings new methods of working together to their attention and suggests strategies for integrating new approaches into their work.

Within their discipline, there are two primary sources of training opportunities for practitioners:

(a) Employers, who have a responsibility to train staff in the legal requirements of their positions as well as inform them of any newly developed procedures;

(b) Professional associations, such as law societies, medical associations and teachers' federations, which have a mandate to set professional standards for their members. These organizations have an obligation to bring members up-to-date on current theory and practice in the area of domestic violence. This can include providing members with professional development opportunities.

Some staff training and professional development is discipline-specific, but inter-disciplinary approaches are valuable, too. Training programmes can include consultations and can involve practitioners from other disciplines, as well as victims and perpetrators. The insight and experiences of those who have experienced violence and those who are working directly to prevent the violence, can be an excellent resource. These perspectives can help focus energies appropriately. Sharing perspectives and experiences may help set up channels of communication which can lead to the creation of innovative solutions.

At a local level, opportunities for joint training allow practitioners in a jurisdiction to streamline their process.

In some countries, employers and professional associations offer training opportunities that have been developed with government support and the input of non-governmental agencies.* These training strategies may include conferences, training seminars and workshops and training videos.

Training strategies can deal with a range of practitioner concerns, including:

- Extent, dynamics, causes and consequences of domestic violence
- Current theory and research findings related to domestic violence
- Impact of new legislation
- Implementation of new guidelines, protocols and intervention strategies
- Issues related to working with practitioners in other sectors
- Innovations in practice
- Resources for practitioners.

Documenting training programmes as they are developed means that others can benefit from the original work involved in planning and implementing a training programme. This expands the training resources available for practitioners in each sector. When guidelines or course outlines become available, they can serve as models for new training initiatives.

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*The Women's Health and Sexual Assault Education and Resource Unit in New South Wales, Australia, developed training materials dealing with child sexual assault. A training package dealing with the sexual assault of people with intellectual disabilities is included. Since 1986, the Unit has held workshops for 1,600 practitioners from various sectors, including sexual assault counsellors, child-care workers, aboriginal health workers, developmental disability workers, nurses, mental health workers, doctors, teachers, school principals and police officers stationed in both rural and metropolitan areas. See Australia, Department of the Prime Minister and Cabinet, Office of the Status of Women, *Country Report on Violence Against Women: Australia* (Canberra, 1990), p. 58.

For instance, the 1988 publication, Guidelines for Police Training on Violence against Women and Child Sexual Abuse, *summarizes the deliberations of senior police officers from 16 different Commonwealth countries and lists these issues as the basis for presentations, discussions and recommendations:*

Police attitudes and sensitization

Perspectives on offender profiling

Evidence and investigation techniques

Medical and forensic evidence techniques

Liaison with non-police organizations and referral agencies

*Statistics, data collection and case management.**

B. Training goals

1. The improvement of awareness and understanding

The major goals of awareness training include:

- Development of an overall understanding of the problem
- Development of an understanding of specific professional roles and responsibilities in dealing with the problem.

Although awareness training sessions vary in content and duration, most deal with the following areas:

- The existence of the problem: prevalence, scope, estimated numbers of victims and perpetrators
- The nature of the problem: multi-faceted causes, complex dynamics, patterns of violence
- The consequences and the impact on victims and secondary victims: physical and psychological effects, pressures, short- and long-term challenges
- Social and economic costs for society

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*Sample police training modules from Canada and the United Kingdom are included. See Commonwealth Secretariat, Human Resources Development Group, Women in Development Program, *Guidelines for Police Training on Violence against Women and Child Sexual Abuse* (London, 1988), p. 2.

- The provisions of criminal, civil and customary law and the legal framework for practitioners

- The need to take action.

It is essential that practitioners explore their own personal attitudes towards the problem. They need to examine the relationship between these attitudes and their work. Awareness training programmes can include discussions on:

- Personal beliefs about domestic violence: attitudes, values and their relationship to a practitioner's work

- Ideas about family life, privacy and the roles of male and female family members in society

- Emotional responses to domestic violence, including the acknowledgement and understanding of and personal experiences of domestic violence and the impact these experiences have on their work

- The relationship between personal attitudes and professional mandates.

Practitioners may also examine their professional roles and responsibilities and the expectations of their employers and of people who turn to them for assistance. In this context, practitioners may explore:

- The evolving roles of service providers and professionals in dealing with the problem

- Specific practitioner responsibilities, including legal and moral obligations and requirements

- Specific issues related to practice, including, for example, implications for confidentiality and discretion

- Practitioner obligations in fulfilling institutional objectives.

Awareness training helps practitioners to understand domestic violence, and the personal and professional issues it raises. In the long-term, the extent to which practitioners understand the complexity of domestic violence and their response to it will affect how they respond to victims and perpetrators.

2. *The development of high levels of sensitivity, skills and expertise*

The practical skills training practitioners require will depend on a number of factors, including:

- The type of violence involved

- Specific professional responsibilities
- Specific jurisdictional requirements
- The need for self-defence skills.

In general, practitioners need the skills to take responsibility for the following steps of the process:

- Identifying the problem
- Assessing the situation
- Taking appropriate action.

These steps follow the same sequence regardless of the moment at which the practitioner becomes involved. Practitioners require the same basic skills whether they are responding to a crisis or dealing with the disclosure of historical or current abuse.

3. Communication skills

Good communication skills are essential. Practitioners need to be able to communicate well with victims, perpetrators and other practitioners. Providing training in a range of communication skills allows practitioners to be effective in:

- Gathering information from victims in a manner which elicits trust and does not do further damage
- Consulting with colleagues
- Meeting the information needs of victims and perpetrators in a manner which does not jeopardize victim safety
- Facilitating the process of interdisciplinary and inter-agency cooperation.

4. Identifying the problem: Detection

Practitioners require acute observation skills to detect domestic violence. The signs and symptoms are often hidden and suppressed or they appear to relate to other problems. Practitioners should be alert to warning signs, including both physical and behavioural indicators. These indicators vary according to the age of the victim and the type of violence inflicted.

Shelter workers and survivors can play an important role in helping practitioners to identify indicators of domestic violence.

In the health sector, physicians and other medical personnel, in both hospitals and private practice, may require training to distinguish accidental injuries from those inflicted by violence. These practitioners should be encouraged to ask if the injury was caused by accidental or deliberate means.

Practitioners who work with children, including teachers and child-care workers, require training to recognize physical, social and behavioural symptoms exhibited by children who witness abuse.

Mental health professionals, counsellors and clergy often come into contact with women victims. These practitioners may need training to improve their sensitivity to these victims. They need to be able to identify incidents of violence despite indirect or vague references that victims may use to avoid acknowledging the violence that they are experiencing. Similarly, home care-givers and visiting nurses need to be alert to signs of abuse in elderly or disabled clients.

5. Assessing the situation

Practitioners who encounter domestic violence need to understand how to assess the situation. They must be able:

- To look after the safety needs of the victim
- To meet the legal requirements for reporting
- To follow through on the applicable procedures and protocols for contacting authorities.

Practitioners need to be familiar with assessment criteria and the step-by-step implementation of an action plan.

6. Taking action

Practitioners are responsible for carrying out the procedures set up by their profession or agency. Practitioners need to know what systems expect of them during each step of the process. They also need to know how their actions relate to those of other practitioners involved.

The broader a practitioner's understanding of the process, the better she or he can provide appropriate victim support and assistance. Practitioners need to know, for example, not only the procedures of their own system or agency, but also the workings of other related systems, including the legal, social, health and medical systems.

7. Initiating the process: Reporting

In most jurisdictions, practitioners do not have reporting requirements. In some countries, however, practitioners must report, for instance, non-accidental injuries to children and adults. Where reporting requirements have been established, practitioners who detect or suspect abuse must decide whether or not to report the incident.* Practitioners in these jurisdictions need training in the reporting process, and need to be familiar with the following aspects:

- When reporting is necessary/required by law
- Internal procedures for making official reports
- External procedures (including knowing the appropriate authority to report to)
- Follow-up procedures after reporting
- Evidence-gathering process.

As reporting requirements and procedures differ widely, practitioners may also need training on local regulations. In addition, practitioners should understand the consequences of taking such action, as well as the potential costs of inaction.

8. Appropriate assistance for victims and perpetrators: Referrals

The referral process is a critical part of providing appropriate support and assistance to victims and perpetrators. Practitioners need a thorough knowledge of the resources and support services that are available in their communities. As victims have a variety of needs, practitioners should be familiar with the workings of several different systems and agencies. Practitioners may also need to know how to ask for services on behalf of victims. Practitioners may have to help victims negotiate their way through a variety of sources of help.

Practitioners should also know how to follow-up on referrals to ensure that victims receive assistance.

> *For instance, in Belgium, the Government is encouraging practitioners to increase referrals. The Government is distributing lists of addresses for organizations and agencies in each local area which provide care to victims of physical and sexual abuse.*[160]

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*There is an ongoing debate about the pros and cons of mandatory reporting systems. Readers are cautioned to review this area care before implementing mandatory reporting systems.

9. Getting the facts: Investigation

Practitioners may need training in specific investigative skills. For instance, those involved in interviewing victims will need training in appropriate techniques for finding out information without causing further suffering to a victim.

All practitioners need training in how to work together during investigations. During an investigation, practitioners, including police, social workers, prosecutors and medical staff, may have goals which relate to their particular responsibilities. If they do not cooperate with one another, practitioners may pursue these goals at the expense of the victim.

With training, police and social workers can learn to conduct joint interviews. A coordinated strategy which uses joint interviews can reduce the number of times a victim has to tell her story.

10. The involvement of the justice system: Prosecution and sentencing

The prosecution process creates specific challenges for the practitioners involved. All practitioners who may have to appear in court in a domestic violence prosecution require training concerning their role as witnesses and the role of the courts in dealing with the problem.

If the intention of criminal legislation is to treat domestic violence in the same way as other forms of personal assault, all practitioners, including defence lawyers, prosecutors and judges, require training to meet the specific challenges of domestic violence cases. These justice system practitioners need training in:

- The extent, causes and consequences of domestic violence
- The impact of procedural and substantive aspects of the law.

11. The involvement of the justice system: After sentencing

Correction authorities, including probation and parole officers responsible for supervising offenders, should receive training in the dynamics of domestic violence. This training can help to alert them to warning signs that indicate that a person might be re-offending.

The training can emphasize the need for vigilant monitoring and suggest the following strategies for effective monitoring:

- Follow-up calls
- Interviews

- Coordinating the process with other practitioners.

12. Helping victims and perpetrators: Education

Counsellors and other mental health practitioners require training to alert them to the implications of intervening in domestic violence situations. These practitioners may need the following types of training:

- General issues-oriented awareness training
- Specialized training in new educational programmes or interventions
- Interdisciplinary training which explores the roles of related systems and services.

There are resources to help people who are developing training programmes for practitioners. Designing effective training programmes relies on accurately assessing practitioner needs and clearly establishing training goals. There are an increasing number of manuals and documented training programmes to help practitioners develop programmes. Training programmes, however, should meet the needs of practitioners in each local context.

To illustrate the types of material available, a limited selection of resources is given below.

For police, prosecutors and the judiciary.

The National Organization of Black Law Enforcement Executives in the United States has a training seminar in policy development. The seminar assists law enforcement executives to create and implement pro-arrest domestic violence strategies.[161]

The Foundation for Studies on Judicial Affairs in the Netherlands provides training courses for members of the judiciary. Since 1986, the curriculum has included a course on violence within the family.[162]

The Western Judicial Education Centre in Canada holds domestic violence workshops to sensitize judges to the issues.

For legal advocates, counsellors, shelter workers and health care professionals.

Assaulted Women: A Manual for Advocates[163] *offers a comprehensive approach to training. It prepares practitioners for the diversity of victims needs. The* Manual *includes information on interviewing victims, assessing legal options, dealing with medical needs and helping victims get housing, child care and financial support. The* Manual *also discusses the special concerns of immigrant, native and elderly women.*

Understanding Wife Assault: A Training Manual for Counsellors and Advocates[164] *is a training resource aimed at counsellors who work with victims, secondary victims, and perpetrators of domestic violence.*

In New South Wales, Australia, the Women's Coordination Unit, the Women's Health and Sexual Assault Education Unit and the Department of Family and Community Services Training and Development Branch have developed a core training programme. This training model for service providers seeks to change attitudes and to develop skills to empower victims of violence. The aims are:

(a) To offer a model which is resourced-based as opposed to a model which focuses on service inadequacies;

(b) To raise awareness of the social/cultural context in which domestic violence takes place and to expose the inadequacies of explanations of the problem which focus on the individual;

(c) To explore familiar issues and beliefs surrounding domestic violence and the practical implications of these views.[*]

New staffing and training models can improve the efficiency of system responses to domestic violence, including:

- Incorporating general awareness training on domestic violence in all recruitment and orientation training programmes (to ensure that staff have a basic understanding of the issue)
- Using specialized teams to respond to cases of domestic violence
- Increasing the number of women police officers and civilian staff
- Training victims and perpetrators to be service providers and counsellors

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[*] The model for training service providers has the following objectives; to intervene in ways which make safety for women and children the first priority; to intervene in ways which locate the responsibility for violent acts entirely with the perpetrator and not at all with the victim; to intevene in ways which are conducive to the victim regaining a sense of entitlement to her own experience of herself and her life; to intervene in ways which empower victimes to make their own decisions and thus avert further oppression; to intervene in ways which empower victims to make their own decisions and thus avert further oppression; to intervene in ways which coherently and consistently locate the origins of violence within its social/cultural context; to intervene in ways which avoid blaming individuals; to intervene in ways which draw on the resources of clients and thus avert the dangers of worker burnout; to make a commitment to engage in behaviour which is consistent with the ideal of equality in relation to both gender and power; employ skills which are empowering to clients; to demonstrate skills which create conditions conducive to people changing their ideas and beliefs; and to construe violence as a crime not a psychological problem. See H. McGregor and W. Styles, *NSW Domestic Violence Core Training Package: A Model for Training Service Providers* (Sydney, 1991).

- Hiring members of ethnocultural and minority communities to work in agencies and shelters

- Using interdisciplinary teams with representatives from all agencies involved in the case.

Training practitioners in countries where resources are limited is a special challenge. When resources are very limited, countries have to set training priorities. Practitioners who are in contact with victims should receive the first training opportunities. For example, primary health-care workers need training in identifying situations where there is domestic violence. They also need training on appropriate responses.

In remote areas, teachers can be influential. Community elders, church workers, women's leaders and youth leaders* are often aware of cases of domestic violence and may be asked for assistance. Training these practitioners can be the first step in improving community responses to domestic violence.

Financing agencies and Governments of developed countries can promote training and encourage the sharing of knowledge. They should also give economic and other aid to women's groups or other agencies or programmes that are interested in training practitioners.

Training in multi-cultural communities must prepare practitioners to respond to people from different backgrounds. In multicultural communities, practitioners may require additional or supplementary training to improve their responses to victims from different ethnocultural communities.

> *For instance, in Canada, Immigrant and Visible Minority Women Against Abuse developed a training programme to sensitize practitioners from various sectors to the specific needs of abused immigrant women.***

Training programmes need to be sensitive to the personal needs of practitioners. Practitioners may have personal experiences with domestic violence, either as victims or perpetrators. They may find that participating in a training programme prompts them to disclose their own experience.

Training programmes should integrate mechanisms for handling personal disclosures that are made during training. Practitioners should receive the same sensitive and supportive assistance that they are expected to provide people who come to see them.

Training programmes can be linked to employee assistance programmes, in places where these employer-sponsored confidential counselling services are available.

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*In Papua New Guinea these practioners received training on domestic violence because of their important roles in the community.

**Immigrant and Visible Minority Women against Abuse, P.O. Box 3188, Station C, Ottawa, Ontario, K1Y 4J4.

Training practitioners is an important aspect of developing effective responses to domestic violence, but training alone cannot solve the problem. Increases in the number of reported cases can place additional burdens on staff. Improved training does not necessarily compensate for under-staffing.

Practitioners need to have adequate support for their work. If the standards of practice continue to improve while resources remain limited, problems of burn out and high turnover will continue.[165]

VIII. Preventing domestic violence

A. The need to stop domestic violence

Strategies to prevent domestic violence have two challenges:

- Finding ways to stop the violence that is occurring
- Preventing violence from happening.

Intervention strategies that can be used when violence has occurred have been presented in the present *Manual*. Prevention strategies can also include more general measures intended to improve the position of women in society. These measures might include:

- Reforming the law to foster equality
- Reforming the law to prohibit corporal punishment
- Promoting equal opportunities and human rights
- Combating stereotypes in the media
- Offering economic opportunities to ensure economic independence
- Providing affordable housing
- Providing child support
- Improving social policies.

B. Education may be the key to stopping domestic violence

As researchers explore the multi-faceted causes of domestic violence, more information is becoming available to guide efforts to prevent violence. Many experts see education as the key preventive tool. Education can expose the direct and underlying causes which contribute to domestic violence. Education can help build an understanding of the impact and consequences of violence and promote non-violent alternatives and lifestyles.

The goals of educational strategies are:

- To raise awareness
- To change attitudes
- To develop skills to deal with violence and prevent it from recurring.

C. Prevention strategies

Practitioners base prevention strategies on the premise that domestic violence is not inevitable. It is possible for families, partners and all other members (or ex-members) of a household to live with one another without violence.

Prevention strategies must first protect the safety, security and well-being of victims and those at risk. Prevention strategies need to operate at various levels, addressing the many layers of the problem.

Any serious prevention strategy requires a long-term commitment to individual and societal change. In the short-term, victims need immediate, effective services and assistance. A comprehensive domestic violence strategy requires both reactive measures, including protection, treatment and law enforcement measures and proactive measures, education and public information programmes.

Sometimes, increased funding for prevention strategies may result in reduced support for crisis services.[166] Because resources are limited, practitioners and others may have to make choices, for example, either to provide direct support to victims or to work on broader based changes in society.

> *For instance, in Buenos Aires, Argentina, Lugar de Mujer is a women's organization that supports neighbourhood self-help groups for women in abusive relationships. The group offers legal assistance and education for women. Faced with a choice, the organization decided to focus on alternative approaches to dealing with domestic violence instead of opening a shelter. The organization wants to address the root causes of violence against women. They are reluctant, therefore, to move responsibility for solutions away from the community and into the realm of State-dependent structures.*[167]

The public demand for services is often greater than the services available. In Canada, for instance, improved public awareness of the problem has increased both the need and public expectation for services. As a result, the actual provision of services is not always adequate to meet the demand.[168]

This issue has been recognized in several European countries where public awareness campaigns include providing telephone help lines. The telephone lines allow campaign organizers to respond to the increased reporting generated by the campaign publicity.[169]

D. Raising public awareness

Practitioners should be prepared to handle an increase in the number of disclosures which is likely to coincide with public awareness campaigns. They may also need to modify existing systems to respond to an increased demand for services.

Public education is a basic prevention strategy. It can challenge stereotypes and attitudes that condone or ignore domestic violence.[170]

Public education campaigns seek to prevent domestic violence in direct or indirect ways. They may deal with domestic violence specifically, or with related issues, such as equality and human rights. An explicit focus on domestic violence - its causes, consequences and the options available to victims - may be particularly useful. This strategy locates the problem within the public rather than the private sphere. Domestic violence is described as a social problem.[171]

Public education campaigns which promote human rights may challenge gender-based and age-based stereotypes and the glamorous portrayal of violence. They may also encourage non-violent problem-solving. These campaigns may deal with domestic violence as part of the wider problem of violence in society. Campaigns addressing violence against women in society focus on fundamental attitudes and violent behaviour which are at the root of inequality.

The principal goals of public education campaigns on domestic violence include:

- Raising public awareness of the existence and prevalence of domestic violence
- Providing specific information on where to go for help
- Changing public attitudes and values towards the problem
- Promoting action to solve the problem
- Making victims and offenders aware of the role of the criminal justice system
- Providing other relevant information, such as on rights under family laws.

1. Public education campaigns

Public education campaigns often begin by describing the problem. They may:

- Define the behaviours that constitute domestic violence
- Provide information on its extent and prevalence
- Provide information on its short and long-term impact.

When laws are in place which criminalize domestic violence, public education campaigns can advertise the illegal status of certain behaviours.

> *For instance, the Ontario provincial government (Canada) ran a public education campaign on television, on radio and in the newspapers. Its main message was "Wife-beating: it's a crime".*

Challenging public attitudes towards domestic violence is a complex yet critical goal. Attitudes are anchored to powerful societal norms. Public education campaigns can confront attitudes which allow violence to occur. These campaigns may examine:

- Victim-blaming ideologies
- The role of alcohol in domestic violence
- The characteristics and behaviour of victims and perpetrators and the choices they face
- Ideas about family life, male privilege and privacy
- The exploitation of women in the media
- The glorification of violence in the media.

Campaigns may tell women how to protect themselves. Campaigns can also provide suggestions for further action. They can encourage individuals and groups:

- To find out more about the problem
- To familiarize themselves with available services
- To get involved in community-based efforts to confront and address the problem.

Campaigns can provide information on how to live without violence, focusing on alternative behaviours, including non-violent problem-solving and dispute-resolution strategies. They may focus on the immediate victim, children, perpetrator, rest of the family and/or the whole society, or emphasize the connection between human rights and the prevention of domestic violence.

Campaigns can use a variety of methods to convey their message. Methods used to disseminate information will depend on the campaign audience and on available resources. To accommodate all literacy levels, campaigns can use visual and audio-visual materials. Providing materials in as many languages as possible increases the number of people who will receive the message.

While Governments and large non-governmental organizations usually conduct large-scale public education campaigns, there are other means of developing effective public education strategies. Large-scale national level public education may be a useful and powerful tool, but practitioners should not underestimate the power of community-based, local strategies. Effectiveness does not depend on large public expenditures. Community-specific strategies have the added advantage of increased accessibility. Street theatre and dramatizations may be very effective. Some countries have an "International Day against Violence to Women"* and organize public education activities on domestic violence on that day.

2. *Media campaigns*

Critics suggest that print and broadcast media often fail to challenge, and even perpetuate, the inequities and patterns of human interaction that contribute to domestic violence.

The print and broadcast media reach a wide audience and are popular. They can promote public dialogue and can serve as a catalyst for change if their messages combat negative images and promote constructive alternatives.

Some examples of positive media contributions to public education are:

> *United Republic of Tanzania: A group of women journalists cooperated with Radio Tanzania, Daily News and Uhuru/Mzalendo to produce a series of radio programmes dealing with violence against women.*[172]
>
> *Barbados: Radio call-in programmes, television panel discussions and feature articles in the print media helped to demonstrate national concern for violence against women and children and build support for action.*[173]

3. *National, Government-sponsored campaigns*

Nation-wide campaigns have the potential to reach large numbers of people. They usually require the commitment and cooperation of more than one level of government as well as non-governmental bodies. There are limitations to such campaigns. To counter some of the limitations of top-down strategies, campaign planners can consider:

- Encouraging as much community input as possible
- Involving victims and practitioners in the needs-assessment and implementation stages of the campaign
- Using social marketing techniques (such as those used in health promotion campaigns).

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*Australia declares such a day every year.

In Australia, a task force of federal, state and territory representatives launched a three-year National Domestic Violence Education Programme in 1987. The goals included:

Increasing community awareness of the issue

Providing information on the prevalence of the violence and countering existing myths

Involving community members in the campaign

Involving organizations, agencies and professional groups.

First, researchers conducted qualitative and quantitative research on public attitudes towards domestic violence. Then, they used strategies to raise public consciousness of the problem and counter myths about domestic violence. The needs of specific communities - Aboriginal and Islander communities; women from non-English-speaking backgrounds; young people; and women in rural and isolated communities - were also addressed. Finally, the programme used television and print media, including pamphlets and posters in several languages, to disseminate information.[174]

Australia's National Domestic Violence Education Programme is an example of how campaign planners can mobilize concerned individuals, including community members and government personnel, to work together. This type of cooperation is a key feature of successful public education strategies, whether national or local.

Other national public education campaigns have been held in several European countries, including Belgium, France, Norway and Portugal. In these countries, the campaigns focused on related forms of violence, including violence against women; violence within the family; violence within relationships; sexual abuse of children; and rape.[175]

In Belgium, a 1987 campaign used the slogan - "Geweld gewild?" (Violence, who wants it?) to communicate information on violent relationships, child sexual abuse and rape.

In France, in 1989 and 1990, campaigns against domestic violence relied on television to raise public and professional awareness levels. Television programmes also provided information for victims.

Two campaigns in Spain, in 1984 and 1986, focused on violence against women and sought to alter fundamental attitudes towards them.[176]

In most countries, public education campaigns rely on a combination of methods for disseminating messages such as brochures, dossiers, posters, television, radio and handouts.[177]

Colombia, Costa Rica, Dominican Republic, Kenya and Malaysia have all used public poster campaigns to combat domestic violence. In Kenya, the posters appeared across the country. Many appeared in public locations such as on buses, train stations and schools.

China has condemned domestic violence. Authorities have provided information for victims through displays on city bulletin boards.[178]

*In Papua New Guinea, an extensive public education campaign uses posters and leaflets in three languages, national and local radio information programmes, radio plays, public seminars and meetings, street theatre and a video. A reggae song in Tok Pisin called "Noken Paitim Meri" (Do Not Hit Your Wife) has become popular.**

If public education campaigns include an evaluation component, the impact of the messages and their success in reaching the intended audience can be assessed. This contributes to an overall understanding of what components of campaigns work under which circumstances.

4. *Local public education campaigns*

While Governments may have the resources to provide information to large groups of citizens, other organizations and institutions may also engage in public education within their communities or constituencies.

In Canada, a Christian church-based organization has developed educational information programmes for use by church congregations.[179]

In many countries, women's organizations and other support systems have well-established networks to get the message out. Education campaigns and employee assistance programmes within a workplace can educate employers and employees.[180]

Some groups have used drama and popular publications as vehicles for public education. Here are some examples of this strategy:

> *Jamaica: The Sistren Theatre Collective uses drama-in-education workshops to deal with a variety of issues, including violence against women. Sistren holds workshops in schools and other community settings. The collective has also performed its plays internationally.*[181]

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*This public education campaign operates with the cooperation of a number of groups including the Law Reform Commission, Young Women's Christian Association, Health Department, Education Department, NCD Theatre Group, International Women's Development Agency of Australia, Australian High Commission, Canadian High Commission and United Nations Children's Fund (UNICEF). See C. Bradley, *Wife Beating in Papua New Guinea - Situation Report 1990* (Boroko, Papua New Guinea, Law Reform Commission, 1990).

North West Territories, Canada: Arctic Public Legal Education and Information developed an information programme which uses theatre. The programme educates non-literate and Aboriginal people about family violence issues.

Bangladesh and India: Women have used street theatre to raise public awareness of domestic violence. Members of the community participate in the performances and base stories on their own experiences. After the performances, audiences participate in discussions about the issues raised in the performances. Indian women have also used puppet shows to condemn violence and promote equality for women. Women have also composed songs in local dialects.[182]

Peru: The Movimiento Manuela Ramos, a feminist organization combating violence against women, has used street theatre to get their message across. In addition, they prepared photonovels (a popular form of publication in Latin America) which deal with rape. The stories, in photographs and text, provide information on rape and women's rights, informing women about what to do if they are assaulted and where to reach one of the women's police stations.[183]

Costa Rica: A musical group called Claro Oscuro composes and sings songs to raise consciousness about violence against women.

Nicaragua: Several Community Women's Centres produce participatory plays which raise consciousness, educate men about non-violence and provide legal education.

Indonesia: The high level of illiteracy among women has led practitioners to use comic books to tell stories about women's experiences and illustrate ways of dealing with their problems.

Argentina: The Fundación Alicia Moreau de Justo and the Fundación Juan B. de Justo have published several booklets, including some illustrated comic books, dealing with violence against women in the family and other forms of violence against women. They produced a comic book for women in Costa Rica. The booklets use clear language and illustrations to describe the common problems faced by women and the strategies for combating these obstacles.[184]

Dominican Republic: A comic book dealing with violence against women and strategies for dealing with the problem has been produced.[185]

Latin America: Fempress, *a monthly regional feminist magazine has published two special issues on violence against women and violence against women in the media.*

There is a growing international collection of audio-visual material dealing with domestic violence issues.

For instance, the National Film Board, Canada, in collaboration with the National Clearinghouse on Family Violence, has an extensive collection of films on domestic violence and related topics. Community groups, schools and members of the public may borrow these materials for a small fee.

*And in Papua New Guinea, a video titled "STAP ISI" (Take It Easy) was produced to reduce violence in the family.**

5. Combined national and local public education campaigns

Government sponsored, national public education campaigns have two main advantages:

- The involvement of institutional and State authorities lends weight to the campaign's messages
- National campaigns can reach large numbers of people.

Conversely, smaller scale, community-based public education strategies offer the following distinct advantages

- They provide the opportunity to tailor messages and make them relevant to local realities
- They provide an opportunity for personal contact and small-group interaction
- Campaign planners can get direct feedback from the public about the effectiveness of the education strategy
- Community members can benefit from being actively involved in creating and disseminating the message.

6. Focused education campaigns

The term "focused education" refers to education programmes which have been developed for specific groups at risk of becoming abusers or of re-offending.

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*The video is in Tok Pisin with English sub-titles. It was produced by the Women's Law Committee and the Papua New Guinea Law Reform Commission. It is available, at the price of US$ 20, from the Papua New Guinea Law Reform Commission, P. O. Box 3[illegible]39, Boroko, Papua New Guinea.

For instance, the Netherlands has an information project for men and boys between the ages of 14 and 18, and 25 and 30.[186]

Focused education also includes a range of prevention-oriented courses offered to children and youth in schools. These preventive education programmes have a number of advantages, such as:

- Providing access to large numbers of young people
- Eliminating the need to single out and possibly stigmatize high-risk children
- Providing an opportunity to model non-violent problem-solving strategies and effective conflict resolution skills.

Comprehensive preventive education programmes offered to children and adolescents in school systems usually recognize the following facts about domestic violence:

- The prevalence of wife assault means significant numbers of children may be witnessing violence in their homes
- Children and young people who experience domestic violence may be at risk of repeating the violence in their own families when they grow up
- Children and young people, like other members of society, may hold attitudes which condone the use of violence
- Many children in schools may be victims of child abuse or child sexual abuse
- Many children engage in violence towards their siblings
- The prevalence of abuse in dating relationships is of increasing concern.

E. Family life education

Family life education programmes and other curricula for secondary students may offer an opportunity of preventing family violence. These programmes can focus student attention on:

- Male power and control over women
- Respect for women
- Family life
- Human growth and development

- Sex education
- Non-violent conflict resolution
- Anger-management skills
- Communication skills
- Human rights
- Gender-based stereotypes
- Principles of equality and fair treatment
- The importance of autonomy and relationships based on mutual respect
- Family violence
- Parenting skills
- Child-care practices
- Child development.

In some places, teachers, school administrators, shelter workers and practitioners have worked together to develop educational programmes. These programmes offer young people strategies for avoiding violence in their own lives. They teach about non-violence and non-coercive interpersonal relationships. For instance:

> *A programme in Minnesota,* United States, My Family and Me: Violence Free, *trains teachers to present material on family violence and non-violent skills.*[187]
>
> *The State of New Jersey, United States, is teaching teachers about domestic violence and its impact on children who witness it.* Domestic Violence: A Guide for Educators *helps teachers recognize the behaviours associated with children from violent homes. It also trains teachers to respond to these children individually and in the classroom. A workshop leader's guide is also available:* Workshop Leader's Guide to the Effects of Domestic Violence on Children: A Workshop for New Jersey Educators.[188]
>
> *In London, Ontario, Canada, the Public Board of Education, together with students and teachers, has developed a newsletter and information brochures on domestic violence for students and teachers. The Board has offered several workshops on violence prevention in local schools.*[189]
>
> *The Canadian Teachers' Federation has lesson plans and guidelines for teaching children about issues of violence. The project documentation,* Thumbs Down:

A Classroom Response to Violence Towards Women, *offers teaching ideas for all levels.*

F. Elderly and disabled women

There is a need for preventive education programmes specifically for elderly and disabled women and practitioners working with these women.[190] These programmes should cover:

- Awareness of the vulnerability of these populations to abuse
- Strategies for improving protection and detection of abuse
- Training in appropriate responses
- Prevention strategies.

Disabled women are at risk of abuse in both intra- and extra-familial situations. A Canadian survey of women with disabilities found that 40 per cent have experienced rape, abuse or assault.[191] These women need programmes which will increase awareness and teach self-protection skills. These programmes should include mechanisms for responding to disclosures of abuse. Prevention education programmes for parents and caregivers are also important.[192]

IX. Gathering and sharing information

There are still gaps in research knowledge about domestic violence. Global awareness of the problem of domestic violence makes the need to address the gaps in the current body of knowledge about it urgent. Although prevention and intervention strategies are being put into place, practitioners still know relatively little about, for example, the effectiveness of these strategies. Research has barely begun.

Successful information-gathering produces a dynamic resource from which all practitioners can benefit. Information gathering relies on the development of:

- Data collection systems which provide comprehensive, consistent, comparable, gender specific and accurate information on domestic violence
- Research strategies to assess the scope and nature of the problem
- Evaluation strategies to examine established and new strategies which deal with domestic violence.

Information gathering efforts need to be linked to mechanisms for disseminating information, sharing expertise and encouraging dialogue. By enhancing all forms of information-sharing at the local, national and international levels, there is the greatest potential to develop innovative and appropriate solutions to the problem of domestic violence.

Information sharing relies on the development of mechanisms and technologies, in order:

- To disseminate information among practitioners in accessible forms
- To share practical knowledge and provide technical assistance
- To foster dialogue and enhance communication across various professions and agencies.

A. Respect for the rights of victims and perpetrators

Strategies for gathering and disseminating information must take into account accepted ethical standards and operate in accordance with international human rights principles including the right to privacy. The pursuit of knowledge should not expose victims to further harm and should respect the rights of victims and perpetrators.

The following principles are part of an appropriate foundation for information gathering and dissemination:

- Practitioners need access to a wide range of information
- The complexity of the problem means that practitioners need multi-level strategies which acknowledge the complexity of both causes and solutions.

B. Official reporting systems

Official reporting systems are one way to collect information on domestic violence. Some reporting systems enable the monitoring of the responses of different services, including health facilities, police, courts, corrections facilities, women's groups, social services agencies and community organizations, to the incidents that they are reporting. In addition, at the national level, reporting mechanisms may be used to monitor the effectiveness of broad-based strategies such as public education campaigns.

However, there are many obstacles which prevent researchers from gaining a clear picture of domestic violence from official reporting systems. Detection and diagnostic techniques have limitations. Victims, practitioners* and agencies** may be reluctant to report incidents of domestic violence. Official crime statistics are limited to those acts the law legally defines as domestic violence. Limits in the data also hamper the ability to evaluate the effectiveness of response measures. Finally, differing definitions and research methods make comparing data problematic.

For all of these reasons, official reporting mechanisms, including the coding of offences in computerized systems, uncover only part of the problem. Indeed, even where mandatory reporting legislation is in place, compliance is by no means automatic.***

Most practitioners and researchers agree that the full extent of the problem is not revealed by official statistics. Thus, other data, including that culled from victim surveys and perpetrator inquiries are needed to add to the data obtained via routine reporting

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*Practitioners may be reluctant to report incidents of abuse for a number of reasons, including prejudicial attitudes towards victims; concern for their welfare should the violence be made public; concern for violations of privacy; concern for the confidentiality of the practitioner-client relationships. See D. G. Saunders and S. T. Azar, "Treatment programs for family violence", in *Family Violence*, L. Ohlin and M. Tonry, eds. (Chicago, University of Chicago Press, 1989), pp. 483-484.

**Agencies may limit the amount of official reporting in which they are willing to engage. When agencies have limited human and financial resources, they may see the reporting process as detracting from the provision of services. Agency policies and procedures may also serve to limit the reporting process. See D. Finklehor, G. T. Hotaling and K. Yllö, *Stopping Family Violence: Research Priorities for the Coming Decade* (Newbury Park, California, Sage Publications, 1988), p. 30.

***In recent surveys in the United States, from one third to one half of the professionals questioned had not reported recent cases of child sexual abuse despite mandatory reporting legislation. See Saunders and Azar, loc. cit., p. 485.

mechanisms.* It is critical, however, that such studies are designed and administered to avoid causing victims any further distress. Practitioners developing such surveys should consult with agencies providing services to victims to ensure that the surveys are appropriate.

C. Gathering data at a national level

National data collection is occurring in countries. This data collection contributes to the development of integrated responses by revealing common priority areas, assuring consistency of data and streamlining the collection process.

In some countries, there have been proposals to establish national reference centres which would periodically measure the scope and scale of violence.[193]

Comprehensive national data collection may include information on both victims and perpetrators as well as the circumstances in which domestic violence occurs.

In general, fully developed data collection systems seek to accomplish two major goals:

(a) To build a bank of base-line information which describes the extent and nature of the problem and responses to it by using routine reporting mechanisms;

(b) To obtain supplementary information to address specific priorities, using other methodologies such as victimization surveys and targeted surveys.

National statistics gathering systems in Canada, such as the Uniform Crime Reporting System and the Homicide Database, provide information on some crimes of domestic violence. Both systems, moreover, include information on the relationship between the victim and the accused. This information helps to identify crimes which might otherwise not be recognized as incidents of domestic violence.

> *Canada has also developed a four-year Strategy for the Collection and Analysis of National Family Violence Information.*[194] *The overall goal is to provide comprehensive, ongoing information on domestic violence, particularly in areas identified as priorities. The strategy includes a series of specialized national surveys on domestic violence to enhance existing victimization survey data. Practitioners are also considering revisions to existing criminal justice data collection and other systems to provide a more comprehensive picture of the problem.*

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*This is the case in several European countries. See R. Bruynooghe and others, "Physical and sexual violence against women: situation in Europe", report commissioned by the Secretary of State for the Environment and Social Emancipation for the First Conference of European Ministers on Physical and Sexual Violence against Women, held at Egmont Palace, Brussels, from 14 to 15 March 1991.

> *The United States employs similar strategies. Criminal justice system mechanisms, including the Uniform Crime Reports and the National Crime Survey, collect information on domestic violence. These mechanisms, however, do not include all incidents of violence and the manner of collecting the data may make it difficult to isolate domestic violence for research purposes.*[195]

In some countries, the development of national information gathering systems has not occurred, for reasons which may include lack of resources. Here, independent and external monitoring and research offer, at a minimum, an outside perspective on the extent and scope of the problem. In addition, independent monitoring at the international level can help build a global perspective on domestic violence. Recent examples of such work include the following:

> *A UNIFEM supported study on violence against women*[196]
>
> *An Amnesty International Report on human rights violations against women*[197]
>
> *The reports of the Women's Project of America's Watch, which have considered violence against women in Brazil, Kuwait, Pakistan and Peru.*

D. Respect for cultural differences

Comparisons across countries usually require standardized definitions and classification criteria.[193] This can be extremely problematic because of the differing cultural contexts in which violence occurs. Some cross national comparisons can be made using official homicide and assault data, although there are limitations.

Comparative analysis between countries may be desirable, but researchers should be sensitive to the realities in different countries. In countries where there is little public awareness of domestic violence, campaigns are required to raise public awareness not only of the issue but also of the need for local and national information concerning domestic violence. In these countries, grassroots' techniques of information retrieval may be valuable. So, for example, women could be encouraged to speak at length about their lives which may reveal a pattern of domestic violence, an issue that previously has been secret and about which they could not talk.

Domestic violence will remain hidden unless researchers use sensitive methods to obtain information. Historical evidence, participant observation, in-depth interviews and other techniques of obtaining qualitative data are widely accepted and generally recognized as providing greater detail and understanding of sensitive social issues and cultural context than is possible with most abstract surveys and scales.[198]

E. Specialized community-based research

In the context of domestic violence, systematic national data collection offers two advantages: it can help develop a broad understanding of the problem and it can monitor large-scale response patterns. But national data may not reveal localized facets of the problem. Thus, there is also a need for specialized community-based research to deal with local aspects of the problem. Local practitioners, including those employed by academic and non-governmental organizations, may be in the best position to document specific local needs and responses. For example, needs assessments and programme evaluations carried out at the local level may be the most accessible way of obtaining useful information. Local practitioners can then use the results to focus their resources and energies appropriately.

Surveys can be conducted within specific populations to delineate unique aspects of the problem which these special groups encounter. Such surveys can also identify service gaps and the impact of these gaps on victims and perpetrators.

F. Research on domestic violence

Research is an important part of a comprehensive response to domestic violence. As a strategy, research may improve our understanding of the nature and scope of the problem and its causes. Research can also help practitioners to improve their responses. To date, research contributions have included:

- Providing information on the nature and extent of the problem and its scope, which has broadened public awareness of the problem
- Providing information which improves practitioners' understanding of various forms of domestic violence
- Helping practitioners to identify high risk factors related to victims and perpetrators[199]
- Helping to identify specialized intervention strategies.

Despite the contributions made to date, more research is required so that practitioners can answer several key questions on domestic violence:

- What is the full scope and scale of domestic violence?
- What are the causal factors?
- What coping mechanisms do victims use?
- How can domestic violence be stopped?
- What are the effects of current strategies to deal with the problem?

- How can practitioners improve responses?

- How can research results be utilized in programme planning and implementation?

- What is the origin of legal provisions that condone violence against women?

- Why is it that many men are respectful and not violent to women?

- What programmes are effective? Why?

- What is the relationship between domestic violence and specific social, economic and cultural contexts?

Finally, a research strategy can ensure that research accounts for the gender-based dynamics of domestic violence.

G. Research by institutions

Government-sponsored research may help to formulate policy and distribute resources according to a specific national and political agenda. There are also several independent organizations, increasingly in developing countries, doing domestic violence research, including:

- Asia Pacific Forum in Women, Law and Development in Kuala Lumpur

- Caribbean Association for Feminist Research and Action

- Center for Global Issues and Women's Leadership in New Brunswick, New Jersey

- Family Research Laboratory, University of New Hampshire

- Institute for the Study of Violence, University of Wales College of Cardiff

- Latin American Committee for the Defense of Women's Rights (CLADEM) in Lima, Peru

- Law Reform Commission, Papua New Guinea

- National Committee on Violence Against Women, Australia

- Women in Law and Development - Africa (WILDAF) in Harare, Zimbabwe.

Some researchers use specialized techniques, such as scales, to obtain information from both victims and perpetrators. The Conflict Tactics Scale (CTS) (wife abuse) is one such scale.[200] It has, however, always been the subject of criticism and methodological controversy.[201] Two key methodological problems which critics have identified are:

- CTS excludes many now-recognized forms of abuse (such as rape and sexual assault)
- CTS reflects major inconsistencies between the responses of husbands and wives about the nature of the violence. (The experience in men's treatment groups suggests that husbands may systematically underestimate the violence they inflict.)

More accurate information on various aspects of the problem may be available from instruments which measure a wider range of behaviours now associated with domestic violence and qualitative methodologies which enable contextualized accounts of the dynamics between perpetrators and victims. These instruments can provide information on how victims cope and what practitioners should do to address the problem. They can provide a more detailed understanding of:

- What type of assistance is wanted and needed
- Which responses are most effective in stopping violence
- What motivates a person to act in a violent way
- What a person intends by using violence
- The actual harm or injury sustained
- Acts of self-defence
- Fear and intimidation
- The context of the violent event
- The context of the violent relationship
- The wider social context of violence.

H. Research priorities

Practitioners should decide on research priorities based on local needs and resources. Definitions of domestic violence and solutions to the problem may vary according to national contexts. Researchers in each country need to explore the nature and scope of the problem within the country, as well as identify existing and needed strategies for dealing with the problem. For instance indigenous strengths, such as extended family networks, and community social control mechanisms may sometimes be adapted to confront the issue of domestic violence.

Researchers in each national and local context are in the best position to evaluate the applicability of innovative solutions from around the world and their potential utility for practitioners.

Establishing research priorities depends on the social, cultural, economic and legal framework for responding to domestic violence in a particular context. By setting up a research strategy, practitioners can focus research efforts on priority areas so that research meets long-term, short-term and urgent information needs.

Establishing criteria for prioritizing research projects may help to ensure the appropriate distribution of resources.[202] Answers to these questions may help set priorities:

- What will practitioners gain from the research project?
- Who will benefit?
- How many people will benefit?
- Will the research add to an understanding of current priorities and policies?
- Do knowledgeable individuals working in the area see the research as important?
- Are there adequate resources to carry out the research properly?
- Does the research design adequately address all ethical concerns?
- Will the research enhance the mutual understanding of practitioners in related disciplines?
- Will it help practitioners to work together?
- Is the research conducted with the spirit of local, national and international cooperation in mind?

National level mechanisms are in place in some countries to establish research priorities and oversee the distribution of research funds. For instance, Norway has a research programme on sexual and physical violence against women. The Government and research bodies finance this programme jointly.[203]

I. Pilot projects

Demonstration and pilot projects are important vehicles for testing new solutions to the problem. These projects may be most effective if they respond to clearly defined needs and take an incremental approach, building on existing knowledge and choosing strategies with consistency and precision.

Setting long-term objectives for a pilot project can help to avoid tangential or peripheral effects. If researchers keep these objectives in mind, they can contribute to a continuous refinement of the response to domestic violence.

J. Cross-cultural research

Cross-cultural research offers an important opportunity of focusing on the dynamics of non-violence and provides insight into the range of human behaviours which constitute domestic violence. This insight can extend to identifying the nature of domestic violence at various life stages, as well as its causal factors.

Cross-cultural research also provides opportunities to test theories and to compare various intervention and prevention strategies.[204] Cross-cultural research which appears to be the most promising includes the use of:

- Culture-specific case studies
- Longitudinal studies of families in specific cultural contexts
- Regional comparisons of similar cultures
- Comparison of different cultural groups operating in the same society
- Small-scale comparisons of a small number of societies
- Large-scale, or world wide, comparisons of many societies.[205]

K. Evaluation of existing projects

Perhaps the most important information-related tool for practitioners is the evaluation of existing strategies and programmes. Practitioners need to evaluate initiatives, whether related to criminalization, treatment, prevention or training, to assess their effectiveness and impact. This information will then refine current and dictate future responses.

Unfortunately, very few initiatives have been evaluated. Practitioners need resources to evaluate existing strategies. Practitioners also need to emphasize the importance of building evaluation mechanisms into future initiatives.

For instance, the Home Office in England and the Scottish Office are funding an evaluation of the only multi-agency response based on the criminal justice system to abusers in Britain.*

Some priority areas for evaluation which have been identified include:

***For information contact Lorna Smith, Home Office, Queen Anne's Gate, London, England or Joe Curran, Criminological Research Unit, Scottish Home and Health, Old St. Andrews House, Edinburgh, Scotland.**

- Identifying and evaluating prevention strategies, including education-based programmes

- Exploring options for intervention, including policy alternatives and access to services

- Evaluating treatment options for victims and perpetrators

- Comparing community-based approaches to dealing with the problem.*

L. Sharing information

Developing mechanisms to distribute up-to-date information at all levels is an essential part of an overall strategy.

International and regional clearing-houses

Practitioners need access to the existing body of knowledge in the domestic violence field to ensure that their efforts are founded on up-to-date information. Centralized information-distributing mechanisms can provide this service on either a regional or international basis.

Clearing-houses can be an effective information-distribution system. Their main function is to collect and analyse the available data, research findings and information. They store these items in a centralized location and make the information available on an ongoing basis.** They may also develop new information materials to fill identified gaps.

Some clearing-house services are augmented by other coordinating and information-generating activities such as research, publishing and the sponsorship and promotion of cooperative planning and development.

For instance, the Commonwealth Secretariat, United Kingdom, acts as a clearing-house for information on violence against women in the Commonwealth.

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*These items are derived from detailed lists of a full range of research proposals described in full in D. Finklehor, G. T. Hotaling and K. Yllö, *Stopping Family Violence: Research Priorities for the Coming Decade* (Newbury Park, California, Sage Publications, 1988), pp. 35-111. See also D. Besharov, ed., *Family Violence: Research and Public Policy Issues* (Washington, D.C., AEI Press, 1990).

**In the United States, the National Centre on Child Abuse and Neglect, through its Clearing-house on Child Abuse and Neglect Information, compiles information annually on state child abuse and neglect laws. This information enables practitioners to monitor legislative developments across jurisdictions. See L. A. Younes and D. J. Besharov, "State child abuse and neglect laws: a comparative analysis", *Protecting Children from Abuse and Neglect: Policy and Practice*, D. J. Besharov, ed. (Springfield, Illinois, Charles C. Thomas, 1988).

It also helps Commonwealth countries to work together to development intervention strategies.

Isis Internacional in Santiago, Chile, operates a clearing-house for information on violence against women in Latin America.

Following a recommendation of the Expert Meeting on Domestic Violence, convened by the United Nations in March 1992, the possibility of establishing an international clearing-house of information, materials and research on domestic violence is being explored by the International Centre for Criminal Law Reform and the Commonwealth of Learning in Vancouver, Canada.

M. National strategies

At the national level, developing appropriate systems for distributing information requires leadership and commitment. In some contexts, using technology, including electronic databases, computerized library services and other media may be appropriate.

In Canada and the United States, electronic databases are one of the forms of information distribution used by the following organizations:

National Clearing-house on Family Violence in Ottawa, Ontario, Canada

National Institute for the Prevention of Child Abuse, Toronto, Ontario, Canada

National Criminal Justice Reference Service, National Institute of Justice, Rockville, Maryland, United States

National Center on Child Abuse and Neglect, Washington, D.C., United States.

In other contexts, the efficient dissemination of information relies on bringing people together in workshops, conferences or seminars. Published materials, including journal articles, handbooks and manuals are an important vehicle for distributing information throughout systems. Other media, such as video and computer networks have similar potential.

Regardless of the mechanisms used, agencies and individuals at the national level need to take responsibility for developing an overall strategy for disseminating information to practitioners. In countries with existing mechanisms, there is still a need to be proactive and to further develop and expand the distribution of information.

Finally, the flow of information should not be one-way. The input of practitioners and others at the local level should be encouraged. Effective systems of information distribution will accommodate local input and provide regular opportunities for information exchanges at all levels.

N. Technical and financial assistance offered by the United Nations

To share information and expertise internationally, practitioners and policy makers need regular opportunities to come together to discuss their experiences and develop their skills.

The United Nations provides assistance to Member States in a variety of forms at the regional and international level. The regional commissions and institutes of the United Nations actively support research and training initiatives and, in some circumstances, oversee the distribution of direct aid.

At the international level, assistance may be available to help Member States to implement standards set in guidelines and statements of principles of the United Nations including, for example, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex). There may also be support for pilot and demonstration projects and technical assistance and cooperation.

As well, the United Nations supports an international exchange of expertise and information. It sponsors fellowships, study tours, workshops and seminars, for example, expert group meetings, which offer Member States opportunities to work together on a regular basis. The international network of non-governmental organizations makes an important contribution to this exchange of information.

Practitioners can also access international information networks, such as the Global Crime and Justice Information Network and the International Network of Women against Violence against Women. These networks offer communication and consultation services to the international community.

United Nations work on domestic violence is ongoing and multifaceted. In 1993, the World Conference on Human Rights will be held in Vienna; 1994 has been designated as International Year of the Family; while in 1995 the Fourth World Conference on Women: Action for Equality, Development and Peace will be held at Beijing. All of these offer the potential for further work in and support to national, regional and international initiatives to confront domestic violence.

Notes

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